

# **Licensing Committee**

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**Thursday 25 October 2012 at 10.00 am**

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

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

## **Membership**

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Councillors John Robson (Chair), David Barker, Nikki Bond, Jillian Creasy, Neale Gibson, George Lindars-Hammond, Vickie Priestley, Ian Saunders, Nikki Sharpe, Clive Skelton (Deputy Chair), Geoff Smith, Stuart Wattam and Philip Wood

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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

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

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

If you require any further information please contact Harry Clarke on 0114 273 6183 or email [harry.clarke@sheffield.gov.uk](mailto:harry.clarke@sheffield.gov.uk).

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## **FACILITIES**

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

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

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**LICENSING COMMITTEE AGENDA  
25 OCTOBER 2012**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meetings**  
To approve the minutes of the meetings held on:-  
  
13 August 2012  
16 August 2012  
20 August 2012  
21 August 2012  
23 August 2012  
4 September 2012  
6 September 2012
- 6. Image Recording Equipment (CCTV) in Licensed Vehicles**  
Report of the Chief Licensing Officer
- 7. Review of Frequency of Mechanical Compliance Tests for Licensed Vehicles**  
Report of the Chief Licensing Officer
- 8. South Yorkshire Act 1980 Section 52 - Second Hand Dealers Registration - Proposed Fee**  
Report of the Chief Licensing Officer
- 9. Local Government (Miscellaneous Provisions) Act 1982 - Street Trading Policy Consultation**  
Report of the Chief Licensing Officer
- 10. Licensing Committee - Terms of Reference and Officer Delegations**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

You have a personal interest where –

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

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

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

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

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

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

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## MEETING OF THE LICENSING SUB-COMMITTEE

held 13 August 2012

**PRESENT:** Councillors John Robson (Chair), Jenny Armstrong and Stuart Wattam

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### 1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### 2. **APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Geoff Smith attended the meeting as a Reserve Member, but was not required to stay.

### 3. **EXCLUSION OF THE PUBLIC AND PRESS**

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

### 4. **DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

### 5. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

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

5.2 In both cases the applicants attended the hearing and addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
57/12	Application to renew a Hackney Carriage Vehicle Licence	(a) Refuse to grant a licence under the current vehicle age limitation policy on the grounds that the applicant had failed to demonstrate that there were exceptional

circumstances to deviate from that policy; and (b) allow the applicant a two month period from the date of this hearing in which to licence a replacement Hackney Carriage Vehicle.

58/12            Application for the  
Renewal of a Private  
Hire/Hackney Carriage  
Driver's Licence

Refuse to grant a licence on the grounds that, in the light of the offences now reported and the applicant's responses in relation to questions relating thereto, the Sub-Committee considers that there were reasonable grounds for refusal.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 16<sup>th</sup> August 2012**

**PRESENT:** Councillors John Robson (Chair), Jenny Armstrong  
and Jillian Creasy

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Ian Saunders attended the meeting as a Reserve Member, but was not required to stay.

### **3. EXCLUSION OF THE PUBLIC AND PRESS**

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

### **4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

### **5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – STREET TRADING CONSENT SITE – SHEFFIELD WEDNESDAY FOOTBALL CLUB – LEPPINGS LANE**

5.1 The Chief Licensing Officer submitted a report to consider an application for the renewal of a Street Trading Consent to trade from a site, identified in the report, on Leppings Lane, Hillsborough.

5.2 Present at the meeting were Martin and Tracey Judge (Applicants), John Jefferson (in support of Mr. Judge), Inspector Neil Mutch (South Yorkshire Police), Marie-Claire Frankie (Solicitor to the Sub-Committee), Kathy Stockdale (Licensing Officer) and Harry Clarke (Democratic Services).

5.3 Kathy Stockdale presented the report and indicated that objections to the application in respect of the trading location had been received from South Yorkshire Police and the Sheffield Wednesday Stadium Operations Manager.

5.4 Martin Judge addressed the Sub-Committee, stating that he had traded from that location for the previous three football seasons without problem, but went on to give a detailed account of recent problems experienced with one of the local businesses with regard to him trading from that location.

- 5.5 In response to Members' questions, Martin Judge stated that he had permission from the landlord of the property in front of which he traded, to trade there.
- 5.6 Once the precise trading location had been identified, Inspector Neil Mutch indicated that he had no objection to the applicant trading there.
- 5.7 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public, press and attendees.
- 5.10 **RESOLVED:** That authority be given to the Chief Licensing Officer to grant the renewal of a Street Trading Consent to Martin and Tracey Judge to trade, at the location identified in the report, on Leppings Lane, Hillsborough.

**MEETING OF THE LICENSING SUB-COMMITTEE**

**held Monday 20<sup>th</sup> August 2012**

**PRESENT:** Councillors John Robson (Chair), Jenny Armstrong and Stuart Wattam

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**1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

**2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Ian Saunders attended the meeting as a Reserve Member, but was not required to stay.

**3. EXCLUSION OF THE PUBLIC AND PRESS**

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

**4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

**5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

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

5.2 In case number 59/12, the applicant attended the hearing and addressed the Sub-Committee.

5.3 In case number 60/12, the applicant attended the hearing, accompanied by a representative, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
59/12	Application for a Private Hire and Hackney	Refuse to grant a licence, on the grounds that, in the light of the

	Carriage Driver's Licence	offences now reported and the applicant's responses in relation to questions relating thereto, the Sub-Committee considers the applicant not to be a fit and proper person to hold a licence.
60/12	Application for the Renewal of a Private Hire and Hackney Carriage Driver's Licence	Renew the licence for the normal term of 18 months, subject to the successful completion by the applicant of a driving skills test, and issue the applicant with a formal written warning as to his future conduct.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 21<sup>st</sup> August 2012**

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

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received.

### **3. EXCLUSION OF THE PUBLIC AND PRESS**

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

### **4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

### **5. LICENSING ACT 2003 – LITTLE HANOI, 216/218 LONDON ROAD, SHEFFIELD, S2 4LW**

5.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Little Hanoi, 216/218 London Road, Sheffield, S2 4LW.

5.2 Present at the meeting were Chris Grunert (John Gaunt Solicitors, representing the Applicants), Paul Pham and Sued Sherazi (representing the Applicants), Bob Singh (Environmental Protection Service, Objector), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Environmental Protection Service and were attached at Appendix 'C' to the report.

5.5 Bob Singh stated that the premises were located in a mixed commercial and residential area and that the basis of his objections focused on the

potential for public nuisance, particularly with regard to noise breakout. Mr Singh exhibited a plan of the premises, indicating that there was a potential for any residents living in close proximity, including any occupants of the first floor of the flats on either side of the premises, to be affected by noise breakout. He stated that there were two function rooms on the first floor, one had already been renovated and the other presently being renovated. The capacity for the smaller room was approximately 10 people and 15 for the larger room. There were residential properties on either side of the premises, sharing party walls on the first floor. It was believed that one of these flats was presently occupied, with the other presently vacant, but with a potential for being occupied at any time. Mr Singh explained the present position in terms of the legislation regarding noise breakout and referred to a document received from John Burgoyne (Architectural Services), which contained details of an acoustic survey undertaken at the request of the applicants in terms of potential noise breakout in respect of the party walls. Mr Singh stressed that he was unable to validate this report on the basis that he had not been able to gain access and undertake his own investigations. In terms of complaints of noise nuisance in respect of the premises, he stated that the Service had received two complaints on 12<sup>th</sup> July 2012, and an enquiry on 16<sup>th</sup> July 2012, with one of the complaints referring to the extraction fan at the rear of the property.

- 5.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee and the applicant's representative, Mr Singh stated that the Environmental Protection Service was not in a position to comment on what level and type of insulation works would be required in order to minimise noise breakout from the premises as it had not been able to monitor the internal noise levels. Following the complaints received on 12<sup>th</sup> July 2012, the Service had contacted the applicants to request that action be taken regarding the noise breakout from the extraction fan. Mr Singh confirmed that no permission in terms of both planning and licensing had been granted for the use of the first floor. The complaints received on 12<sup>th</sup> July 2012 only referred to noise breakout from the extractor fan, which had been fitted approximately two weeks before this date. Only the flat to the right of the premises was occupied, with the flat to the left being currently empty, but having residential use and that there were approximately three other residential properties within the immediate vicinity of the premises. Whilst it was accepted that there were a number of other licensed premises in the area, together with background noise in terms of traffic movement, the Service still believed there was a potential for noise breakout in terms of the use of the first floor of the premises. Despite further works being undertaken following the complaint regarding noise nuisance in respect of the extractor fan, the complaint had still not been resolved. Mr Singh confirmed that to date, the Service had not contacted the owner of the occupied flat next to the premises to arrange access to monitor the noise levels. He stated that in a number of similar cases, owners or landlords of property would not co-operate with the Service and therefore, the Service would have to object to applications on the basis of a potential for noise breakout. Mr Singh had spoken to Jonathan Hyldon, John Gaunt, Solicitors, to discuss any alternative



solutions in terms of the monitoring of noise breakout from the first floor of the premises. Whilst there were a number of other licensed premises on London Road, there had not been any need to gain access in order to monitor noise levels as they did not share party walls with adjoining residential properties.

- 5.7 Chris Grunert stated that the premises comprised an authentic Vietnamese restaurant on the ground floor, which attracted customers from both in and outside the City. The application to vary the Premises Licence focused predominantly on the provision of Karaoke, which was a very popular form of entertainment for people from East Asia. It was believed that the first floor of the premises had been used for regulated entertainment in the past, but it could not be confirmed whether it had been licensed or not. The applicants did not envisage any major problems in terms of noise breakout, and the only representations received to the application were received from the Environmental Protection Service. The applicants were happy to agree to three of the four amended conditions suggested by the Environmental Protection Service. In terms of the potential for noise breakout, it was stated that there were a number of other licensed premises in the area, as well as considerable background noise in terms of traffic movement. The flat to the left of the premises had not been occupied for the last ten years, although it was accepted that it could be occupied at any time. It could also not be confirmed that it was a bedroom that shared the party wall with the premises. In terms of the complaints of noise nuisance in respect of the extractor fan, the applicants had undertaken works to address this issue, although Mr Grunert was not aware that there was still a problem in respect of this. The insulation works identified by John Burgoyne (Architectural Services) could be sufficient to address the potential for noise breakout, although such works had not been validated by the Environmental Protection Service. The applicant had attempted to deal with the issues by talking to the Service.
- 5.8 In response to questions from Members of the Sub-Committee and Bob Singh, Mr Grunert confirmed that Karaoke was in operation at the premises, in the room renovated for that purpose, last Saturday. The ground floor of the premises was used for sit-down meals only and on the ground floor, there was a bar servery area, where mainly snacks and drinks could be purchased. Customers having a sit-down meal in the restaurant would be able to book one of the function rooms upstairs, either at the time of booking or on the night, subject to availability. People would not be able to walk into the restaurant off the street and use one of the function rooms and the applicants would be happy to stipulate this as one of the conditions of the Premises Licence. Whilst that element of the application regarding extending the opening hours related predominantly to the use of the function rooms on the first floor, the applicants intended to extend the hours in terms of the sale of alcohol for the restaurant on the ground floor also. Mr Grunert confirmed that the element of the licence referring to off-sales had been included in error, and that the applicants were happy for this to be withdrawn. He was not able to confirm whether the first floor of any other licensed premises on London Road were used

for regulated entertainment and/or the sale of alcohol. The first floor of the premises had been used as a function room in the past and had a late licence until 03:00 hours, but it was not the intention of the applicants to use the function rooms on this basis. It was hoped that through booking the function rooms for specific periods of time, there would not be any congestion in terms of customers hanging around in the bar serverly area. It was confirmed that in terms of the Chinese New Year, the terminal hour in terms of the sale of alcohol would be 02:00 hours and terminal hour in respect of the opening of the premises would be 02:30 hours. Mr Grunert concluded by confirming that the applicants had used an acoustics expert to undertake an inspection of the potential noise breakout.

- 5.9 **RESOLVED:** That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.10 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 **RESOLVED:** That the Sub-Committee agrees to grant the variation to the Premises Licence in respect of Little Hanoi, 216/218 London Road, Sheffield, S2 4LW, subject to the amended application, operating schedule, agreed conditions and the modified conditions now made as follows:-
- (a) Customers should not use the fire door upstairs to go out to smoke;
  - (b) There will be no access to the function rooms by customers who have not had a table meal downstairs; and
  - (c) Acoustic works be implemented to the specification proposed in the upstairs rooms.

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

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held Thursday 23<sup>rd</sup> August 2012**

**PRESENT:** Councillors John Robson (Chair), Jillian Creasy and Clive Skelton

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor George Lindars-Hammond attended as reserve Member but was not required to stay.

### **3. EXCLUSION OF THE PUBLIC AND PRESS**

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

### **4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

### **5. LICENSING ACT 2003: YEW TREE INN, LOXLEY NEW ROAD, SHEFFIELD, S6 4NG**

5.1 The Chief Licensing Officer submitted a report to consider an application to vary a premises licence, made under Section 34 of the Licensing Act 2003, for the premises known as the Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG.

5.2 Present at the meeting were Neal Pates (Environmental Protection Service), PC Lee Kaignin (South Yorkshire Police), PC Sue Fox (South Yorkshire Police), David Patetington (Counsel, on behalf of the applicant), Kimberley Chilton (Ford and Warren Solicitors, on behalf of the applicant), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Committee Secretary).

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

5.4 The Licensing Officer presented the report to the Sub-Committee, and it was noted that the applicant was Punch Taverns plc. Representations had been received from South Yorkshire Police and the Environmental Protection Service, and were attached at Appendices C and D to the report now submitted, respectively.

- 5.5 It was noted that the applicant had been satisfied prior to the hearing that condition 13 should remain on the premises licence, and therefore withdrew his original request to remove it.
- 5.6 PC Kaignin addressed the Sub-Committee, stating that there had been an incident at the premises on 22<sup>nd</sup> June 2012, whereby a function had been held at the pub, and a group of males from the party had been ejected for fighting. One of the group had retaliated by throwing a brick through the window of the pub.
- 5.7 PC Kaignin stated that if a new seating area was allowed outside the front of the pub, there would be more potential 'missiles' for intoxicated/ angry people to throw through the window, such as pub furniture, glasses, ashtrays and bottles.
- 5.8 PC Kaignin stated that there had been an increase in crime and anti-social behaviour in the local area, and he felt that the proposals for a new outside seating area would not be conducive to controlling this situation.
- 5.9 PC Kaignin added that the pub was on the junction of two busy roads, and that a new outside area could potentially be dangerous for this reason. He also expressed concerns over how the new area would be managed by staff. He added that the front door of the pub was closed and not in use at present, following a recommendation from the Environmental Protection Service (EPS), and he stated that the venue was currently 'managed very well'.
- 5.10 PC Kaignin commented that, at present, people smoked at the rear of the venue, and that a new front area would mean that people could smoke at the front of the premises as well, which could potentially increase the problem of groups gathering outside the front.
- 5.11 Mr. Patetington clarified that South Yorkshire Police believed the pub was very well managed, and also confirmed that PC Kaignin believed the staff had done the correct thing by ejecting the rowdy group of males from the party in June 2012, as earlier described. PC Kaignin stated that the pub had acted responsibly in this situation, but stated that the fact people had access to 'missiles' was the problem. PC Kaignin added that he believed that people would 'spill out onto the narrow pavement' if the new area was constructed. He added that there was currently a sign on the (closed) front door instructing patrons to access the pub from the rear, and he accepted that all customers followed these instructions.
- 5.12 Mr. Pates then addressed Members and stated that there had been several noise related complaints made about the Yew Tree public house over the last few years, and that these complaints had originated from two different households. He accepted that this was a relatively low number of complaints. The area around the pub was highly residential, and was mainly terraced housing,

- 5.13 Mr. Pates added that the non-use of the front door of the pub had seen a dramatic reduction in the number of noise complaints, and he added that the current management of the premises was extremely good. He believed a new outside seating area at the front of the pub was unnecessary, as he thought current arrangements for smoking round the back were adequate. He added that, since the premises had ceased using the front door, young people often gathered in the front outside area of the pub during the day, and he believed that this problem of congregating would be exacerbated by having permanent seating in the area.
- 5.14 Mr. Pates stated that he understood the current premises management were to finish their contract in the next few months, with the intention of moving on from the Yew Tree.
- 5.15 Mr. Patetington asked Mr. Pates what his qualifications were, and Mr. Pates outlined his qualifications relating to noise control. Mr. Pates accepted that he did not have any expertise in the field of venue management, other than advising venues about noise reduction and providing practical advice and support to landlords.
- 5.16 Mr. Patetington pointed out that no local residents had complained about the proposals. He added that the Police had acknowledged that the pub was well run and well managed, and that, in the incident described by the Police, the trouble-causing persons had been correctly ejected from the premises by staff. He added that there was no link from the premises to crime and antisocial behaviour in the locality.
- 5.17 Mr. Patetington added that the venue was about to undergo a major refurbishment, in order to increase its ability to serve food and become more family friendly. It was hoped the refurbishment would raise standards across the whole pub, and that it would be more appealing both inside and out.
- 5.18 Mr. Patetington stated that any structure built outside the pub in the proposed front area would be fully compliant with anti-smoking legislation in terms of its structure. He added that the front door would ideally be brought back into use; as having it permanently closed was proving bad for business, as the pub looked like it was not open.
- 5.19 In summary, PC Kaignin stated that he believed antisocial behaviour would increase if the licence variation were to be granted. Mr. Pates stated that effective sound proofing of the structure proposed for the front of the pub could be problematic in order to comply with smoking legalisation. Mr. Patetington stated that there was no evidence to link crime or anti social behaviour to the premises and he added that both EPS and South Yorkshire Police had acknowledged that the venue was well run and well managed. He added that the problem of people congregating outside the venue would be managed if the new seating area was created, rather than it being something outside of the venue's control. He added that it was

significant that no local residents were present at the meeting, and he believed all the problems presented at the hearing were purely speculation, and that the venue should be given the opportunity to thrive.

- 5.20 **RESOLVED:** That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.21 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.22 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.23 **RESOLVED:** That the Sub-Committee (a) agrees to grant the variation to the Premises Licence in respect of the premises known as the Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG, subject to the modified conditions now made as follows:-
- (i) there shall be no amplified sound to the front of the premises at any time;
  - (ii) front lobby doors shall remain closed at all times, save for access and egress;
  - (iii) signs shall be erected reminding patrons to leave the premises quietly;
  - (iv) no alcohol to be consumed in the front external area after 2300 hours, 7 days per week, and
  - (v) conditions 8,9,10 and 17 shall be removed from the original premises licence, and
- (b) recommends that (i) the furniture used in the front outside area be movable, in order to be brought inside at night, and (ii) the Environmental Protection Service visit the premises after 3 months to conduct a noise test.
- 5.24 (The full reasons for the Sub-Committee's decision and the operating conditions will be included in the Notice of Determination.)

## **MEETING OF THE LICENSING COMMITTEE**

**held 4<sup>th</sup> September 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Nikki Bond, Jillian Creasy, Neale Gibson, Ian Saunders, Geoff Smith, Stuart Wattam and Philip Wood.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 Apologies for absence were received from the Chair, Councillor John Robson, and from Councillors George Lindars-Hammond and Nikki Sharpe.

### **3. EXCLUSION OF THE PUBLIC AND PRESS**

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

### **4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

### **5. MINUTES OF PREVIOUS MEETINGS**

5.1 The minutes of the meetings of the Licensing Committee held on 12th June and 26th July 2012, and of the meetings of the Licensing Sub-Committee held on 11th, 14th, 18th, 19th and 25th June, 2nd, 5th, 12th, 23rd, 24th, 30th and 31st July and 2nd, 7th and 9th August 2012 were approved as a correct record, and there were no matters arising.

### **6. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING – REVIEW AND RESPONSE TO THE LAW COMMISSION’S CONSULTATION ON PROPOSALS FOR NEW LEGISLATION ON PRIVATE HIRE AND HACKNEY CARRIAGE LAW**

6.1 The Chief Licensing Officer submitted a report to consider the response to the Law Commission’s consultation on proposals for new legislation on Private Hire and Hackney Carriage Law. In attendance for this item were Clive Stephenson (Principal Licensing Officer), Marie-Claire Frankie (Solicitor to the Committee), Gill Capewell (Committee Secretary) and Hafaes Rehman (Sheffield Taxi Trade Association).

- 6.2 The aim was to formulate a response from Sheffield City Council to the questions raised by the Law Commission through its review of the current legislation and its intention to write new legislation for taxi and private hire licensing
- 6.3 The Chief Licensing Officer reported that Central Government had instructed the Law Commission to review and consult on the current legislation governing Hackney Carriage and Private Hire Licensing. Following the consultation, the Law Commission had been asked to formulate a new piece of legislation to replace the existing outdated legislation that applies to this area of licensing.
- 6.4 It was noted that the current legislation was one of the most challenged pieces of legislation, and the Local Government (Miscellaneous Provisions) Act 1976 had many times been the subject of Crown and High Court Hearings. Therefore, the opportunity to design a piece of legislation to fit the 21<sup>st</sup> Century and beyond was welcomed.
- 6.5 It was further noted that Sheffield City Council had been at the forefront in licensing and was known as a lead Authority rather than one which simply followed others. Sheffield City Council had intentionally set high standards for its licensees, and any erosion of those standards should be challenged.
- 6.6 The consultation paper was available from the Law Commission from June 2012, with many road shows and meetings with interested parties, both trade and officers, having taken place since that date.
- 6.7 Members made the following observations and suggestions upon the report;

*Section 3.3- Wedding/ Funeral Cars*

- 6.8 Members were keen that any additional costs incurred by any changes to wedding/ funeral vehicles were not passed to the customer, as this may have repercussions for the City Council in terms of dealing with these vehicles and licences.

*Section 54.7- Limitation Policy*

- 6.9 Members were supportive of a Limitation Policy, and agreed that this should be set locally. It was also noted that vehicles were worth more under a Limitation Policy. Mr. Stephenson made an observation that although Sheffield used London-style cabs as Hackney Carriages, other cities allowed normal saloon cars to be used as Hackneys. Members requested that a further paragraph be added at 54.12 to read as follows 'it was noted that a Limitation Policy was proven to work successfully in Sheffield, and the Committee wished to retain the ability to set limitations at a local level as and when required.'

*Section 34- Emissions Policy*



- 6.10 Members requested an additional paragraph to be added into this section under 34.3 to read as follows 'Local Councils should retain the ability to set local Emissions Policies in line with European Legislation', as they felt it was essential to reflect the importance of the locally set Emissions Policy in Sheffield. It was noted that London had already introduced their Emissions Policy to coincide with the hosting of the 2012 Olympic and Paralympic Games.

Section 40- Proposals for peak time/ zonal licences

- 6.11 Members agreed that this would be too problematic (and confusing to customers) to operate and enforce, and therefore, did not wish to pursue the idea of peak time licences or 'zoning' in Sheffield. It was noted that York had attempted to operate a peak time/ zonal system but that it had failed.

Unmet demand

- 6.12 It was clarified by Members and Mr. Rehman that there was currently no unmet demand for taxis in the City. Taxi operators were able to fulfil passengers' needs, and there was rarely a wait. The only very busy times were the four weekends leading up to Christmas, and periods immediately following large scale events at the o2 Academy or Sheffield Arena.

Section 35.1- Statutory limits

- 6.13 The final sentence of section 35.1 was to be removed as it was incomplete and unnecessary.

Section 53.4- Record Keeping

- 6.14 Currently, Hackney Carriage drivers did not have to keep any records of jobs done and fares taken. Members were keen that Hackney drivers kept a diary of who they picked up, where, at what time, and what the fare was. This did not have to include passengers' personal details. It was felt this would assist all round in dealing with complaints from passengers, locating lost property and protecting drivers' safety. It was noted that most meters already installed in Hackneys had the ability to keep a log of jobs done. If a log was to be kept, there needed to be regular inspection of this and some form of punishment if logs were not kept up to date. This would have to form part of the conditions of a licence if conditions were allowed by new legislation.

Pre-booking of taxis

- 6.15 It was noted that, at present, there was no definition as to what constituted 'pre-booking' a taxi. This could currently be five minutes before a journey, or a week before, and this would need defining before any new arrangements around pre-booked fares could be made.

6.16 **RESOLVED:** That the Committee notes the contents of the report now submitted, and agrees to make the following changes to the response:

(a) a further paragraph be added at 54.12 to read as follows 'it was noted that a Limitation Policy was proven to work successfully in Sheffield, and the Committee wished to retain the ability to set limitations at a local level as and when required';

(b) an additional paragraph to be added into Section 34 under 34.3 to read as follows 'Local Councils should retain the ability to set local Emissions Policies in line with European Legislation', as Members felt it was essential to reflect the importance of the locally set Emissions Policy in Sheffield, and

(c) the final sentence of section 35.1 to be removed as it was deemed unnecessary.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 6<sup>th</sup> September 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Nikki Bond and Vickie Priestley

### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 An apology for absence was received from the Chair, Councillor John Robson.

### **3. EXCLUSION OF THE PUBLIC AND PRESS**

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

### **4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

### **5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – STREET TRADING ASSISTANT APPLICATION**

5.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Street Trading Assistant Badge (Ref. No. 70/12).

5.2 Present at the meeting were the applicant and his uncle, Kathy Stockdale (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

5.3 The Deputy Chair of the Sub-Committee outlined the procedure which would be followed during the hearing.

5.4 Kathy Stockdale presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police, although they were not present at the hearing.

- 5.5 RESOLVED: That further to the information contained in the report now submitted, and the representations now made, the application now made for a Street Trading Assistant Badge be granted (Ref. No. 70/12).

(At this stage in the proceedings the public and press were re-admitted to the meeting.)

6. **LICENSING ACT 2003 – STEEL HOUSE, 53-59 WEST STREET, SHEFFIELD, S1 4EQ**

- 6.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence, made under Section 34 of the Licensing Act 2003, in respect of the premises known as the Steel House, 53-59 West Street, Sheffield, S1 4EQ.

- 6.2 Present at the meeting were Hamed Nejad (Applicant), Paddy Whur (Solicitor, representing the Applicant), Jonathan Round (Environmental Protection Service, Objector), Councillor Rob Murphy (representing local residents, Objector), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

- 6.4 Andy Ruston presented the report to the Sub-Committee, and it was noted that representations had been received from the Environmental Protection Service, a local Councillor and local residents, as interested parties, and were attached at Appendices 'C', 'D' and 'E', respectively, to the report. Although none of the local residents were present at the meeting, the local Councillor put forward representations on behalf of one of them.

- 6.5 Paddy Whur stated that the applicants would like to amend the application so that the hours in terms of the sale of alcohol and regulated entertainment were 02:30 hours Sunday to Thursday, and not 03:30 hours as indicated in the report.

- 6.6 Jonathan Round stated that the Environmental Protection Service was objecting to the application on the grounds of public nuisance. He reported on the history of the premises, indicating that complaints of noise breakout from the large windows in the premises had been received in 2004 and further complaints of noise breakout from the entrance had been received in 2006. As a result of the latter complaints, the main entrance, which originally faced residential properties on West Street, had been moved and the problems of noise breakout from this area had been resolved. There had been further complaints of noise nuisance caused by smokers outside the

premises. The Service wanted to keep the existing restriction in terms of last entry to the premises at 01:00 hours and had suggested that an extra half an hour in terms of the sale of alcohol would be acceptable at weekends, as opposed to the increase in hours requested as part of the application.

- 6.7 In response to a question from a Member of the Sub-Committee, Mr Round stated that since the premises had become known as the Steel House in 2010, only an enquiry had been received from a member of the public in terms of the opening hours. No complaints had been received.
- 6.8 Councillor Rob Murphy stated that Westpoint was situated directly opposite the premises and that there were a number of other residential properties in the area. Whilst he accepted that people who bought properties in the City Centre should be aware of the potential for noise from licensed premises, he considered that there needed to be some form of limit in terms of the number of premises and their opening hours. He too was also concerned about that part of the application to remove the condition relating to the last entry to the premises at 01:00 hours. The majority of complaints he had received related mainly to the noise generated by people queuing or smoking outside the premises. He also had concerns at the potential for glass bottles being taken outside the premises and being left or broken on surrounding streets.
- 6.9 In response to questions from a Member of, and the Solicitor to, the Sub-Committee, Councillor Murphy confirmed that the representations he had received from four local residents, one of whom had requested him to represent them at this hearing, were complaining generally about the noise breakout from licensed premises in the City Centre, and had raised concerns with regard to the increasing opening hours of such premises. He confirmed that the four residents who had contacted him, were the same four residents whose representations had been received by the Licensing Section, and were included in the papers for this hearing.
- 6.10 Paddy Whur stated that the applicants had purchased the premises, along with a number of other similar premises in other towns and cities, and planned to spend approximately £250,000 refurbishing The Steel House. They had a very strong management team and worked closely with the Police and Licensing Authorities in connection with the operation of their premises. The applicants considered that the requested extension in hours was not out of keeping with other similar licensed premises in the area, therefore should not cause any problems in terms of noise nuisance. As well as the Police raising no objections to the application, only four objections had been received from local residents, despite the fact that there were approximately 200 residential apartments within close proximity of the premises. The applicants planned to extend the main entrance to provide an

acoustic lobby, in order to reduce any potential noise breakout and they would be happy to negotiate with the Environmental Protection Service in connection with the installation of a noise limiter. Mr Whur confirmed that the windows would not be open as they had been in the past, therefore reducing any further potential for noise breakout. He referred specifically to the issue relating to last entry, indicating that the request to remove this condition from the existing Premises Licence had been made by the applicants for commercial reasons. However, if the market improved and the premises became successful, the applicants would consider the possibility of reinstating this condition on certain nights. On this same issue, Mr Whur stated that if there were any problems in terms of queuing outside the premises, the Door Supervisors would be more than capable of dealing with this.

- 6.11 In response to questions from Members of the Sub-Committee and Councillor Rob Murphy, it was stated that the premises generally opened at 16:00 hours and at the present time were at their busiest around 22:00 hours, mainly at weekends. At the present time, they expected the last entry to be around 02:00 hours at weekends as, owing to the present market, the premises were only really busy one night a week. Although there was reference to pool tables in the application, there were no plans to have any on the premises. The applicants would be happy to accept a condition requiring that no one could leave the premises with open vessels.
- 6.12 RESOLVED: That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 6.13 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 6.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.15 RESOLVED: That the Sub-Committee agreed to grant a variation to the Premises Licence in respect of the Steel House, 53-59 West Street, Sheffield, S1 4EQ, subject to the amended application, the operating schedule and the additional conditions, as follows:-
- (a) No open bottles or glasses to be removed from the premises, save for consumption in the designated smoking area;
  - (b) All amplified sound will be played through a noise limiter to be set by the Environmental Protection Service; and

(c) The removal of Condition 2 of Annexe 3 (No additional persons shall be allowed to enter the premises after 01:00 hours on Thursday, Friday, Saturday and Sundays preceding Bank Holiday Mondays) and Condition 9 of Annexe 2 (All licensed activities are to cease 30 minutes before the close of premises).

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

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## SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

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**Report of:** Chief Licensing Officer

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**Date:** 25<sup>th</sup> October 2012

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**Subject:** Private Hire and Hackney Carriage Licensing

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**Author of Report:** Steven Lonnia Chief Licensing Officer, Business and Strategy, Place Portfolio

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**Summary:** Report – Image recording Equipment in Licensed Vehicles Review

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**Category of Report:** OPEN

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# **Report of the Chief Licensing Officer and Head of Licensing to the Licensing Committee on 25<sup>th</sup> October 2012**

## **Image recording equipment (CCTV) in Licensed Vehicles**

### **1. Purpose**

- 1.1 To review the Policy and specification of CCTV equipment in Licensed Vehicles.

### **2. Background**

- 2.1 Sheffield City Council, Licensing Board on 23<sup>rd</sup> May 2003 agreed a policy and a specification to allow Licensees to install image recording equipment in their licensed vehicles. A copy of the agreed specification is attached to this report at appendix A.
- 2.2 This policy was re-examined and the Board considered the policy on the 17th April 2012. The Board at that time discussed the possibility of a mandatory policy within the debate but made no changes to the policy.
- 2.3 Taxi and Private hire drivers work alone, often at night and often in remote places. They also carry money and as a result are vulnerable to assault and abuse.
- 2.4 Recently in Sheffield, we have encountered a number of attacks on drivers for differing reasons and with differing levels of abuse or violence. Most recently a driver was attacked and lost the vision in one eye which will ultimately cost him his licence to drive.
- 2.5 The issue regarding the safety of drivers was again raised in August 2005 following the London bombings (7/7), a working group was formed to look at this particular issue.
- 2.6 It was decided to run a pilot scheme by fitting cameras in a sample of a number of taxis and private hire vehicles.
- 2.7 The Pilot scheme was undertaken by funding from the Sheffield "Safer Communities" and led by Andy Christian and Shabaz Ramzan. A copy of the full report on the scheme and its affect has been circulated to the Licensing Committee and Interested Parties.
- 2.8 Members also need to consider the safety of passengers whilst being carried in licensed vehicles. Currently none of the CCTV cameras that are fitted into Sheffield Licensed vehicles would protect a passenger from an assault or attacks from a driver. Ther Licensing Authorities role under the legislation is around Public Safety.
- 2.9 The current CCTV is primarily the type which is designed to only save images if the panic button has been pressed. The panic button is solely at the discretion of the driver to activate.

### **3. The Current Situation**

- 3.1 Prior to the pilot scheme being introduced no driver/licensee had approached the Licensing Service for consent to install a CCTV camera in a licensed vehicle.
- 3.2 Since the completion of the pilot scheme the 33 vehicles which had the systems fitted as part of the scheme have kept those systems in place.
- 3.3 Currently 128 vehicles have been granted consent to install CCTV cameras. This is out of a total fleet of 2224 vehicles, this equates to just over 5% that operate a CCTV system. There may well be more vehicles that have had systems fitted that have not told the Council or applied in the proper manner for consent to have cameras in the vehicle.

### **4. Consultation**

- 4.1 A copy of this report has been circulated to the various taxi and private hire trade associations, who have also been invited to this meeting. Copies of any written recommendations that have been received are attached to this report. The Licensing Service also have regularly consultation meetings with the trade association where issues are raised in relation to Policy meetings.
- 4.2 Both the Chief Licensing Officer and Principal Licensing Officer (Taxis) met with trade representatives at a licensing consultation meeting on 22<sup>nd</sup> August 2012 where this subject was on the agenda. The consensus from the trade is that they would be against any form of compulsory order to have CCTV fitted, and believed it should remain optional.
- 4.3 The trade representatives have been invited to attend this meeting to make representations to the committee.

### **5.0 The Legal Situation**

- 5.1 The Licensing Committee may determine policies on any area it considers it appropriate to do so. The only legal restrictions on setting of policies is that proper consideration is given to all relevant factors and that the policy when determined is appropriate, proportionate and reasonable.
- 5.2 Should the Licensing Authority wish again approve the usage or alter the terms and conditions of the usage of CCTV in licensed vehicles then they will need to agree a detailed specification for the attributes of the CCTV systems in order for systems to be considered to be suitable for use.
- 5.3 Overt use of CCTV is permissible in most situations provided the usage complies with the legal requirements such as Data Protection and Human Rights.

- 5.4 The Information commissioner has recently been involved in high profile cases such as the Southampton City Council case where they introduced a mandatory CCTV condition that stated the CCTV system must be a continuous recording of both visual and audio. The information commissioner deemed the policy to be in breach of the Data Protection Protocols and intrusive into the private lives of not only drivers but also the travelling public in those vehicles.
- 5.5 We believe that Southampton Council have launched a legal challenge to these findings. However, at this time there is no indication of when this would be brought to the High Court.

## **6. Financial Implications**

- 6.1 There are no financial implications to the Council if any policy approved placed the responsibility for purchasing and installing CCTV in licensed vehicles upon the licensees.
- 6.2 Current costs of systems that would potentially meet the requirements of the Council can be purchased from a number of manufacturers and prices start from just under £300. However, these systems are very limited in what they achieve with regards to safety.
- 6.3 If the Licensing Authority wish to make changes to the current specification so that the system was recording longer and that they were kept/saved for a longer period this would considerably narrow the choice of system for a licensee. The price of such systems are not readily available, however, we would estimate that they would start from around £500.
- 6.4 The current CCTV systems installed in licensed premises under the Licensing Act must be able to save recordings for a minimum of 31 days before being erased or overwritten. There are no current vehicle systems that have the capacity to store images for that amount of time. Therefore, are there any benefits to CCTV for investigation of complaints or potential offences if they are unable to save them for a reasonable amount of time.
- 6.5 The capacity of CCTV systems are usually measured by the amount of images they can store. One of the leading products on the market currently stores between 37,500 images and 157,500 images this equates to between 1GB and 4GB of memory.
- 6.6 CCTV systems take around 8 frames per second, every frame is an image and that means that the system takes 480 images a minute that would be 28,800 images per hour. Therefore, a 1 GB system could store approximately 1½ hours worth of images. Currently the systems in use overlap the last image to save space, unless the system is activated to hold the images.
- 6.7 A system that holds a full 8 hours of a drivers shift, currently is not available and if available would need driver access to change the storage device to retain the images of each and every shift undertaken.

## **7.0 What needs to be considered**

7.1 Set out below are a list of questions for consideration by members. The list is not exhaustive and is just to give members an idea of the issues that need to be considered;

- Does the Licensing Authority want a voluntary or compulsory policy regarding the installation of CCTV in both Private Hire and Hackney Carriage Vehicles?
- If CCTV is to be installed by licensees is it for the protection of the driver, or the passengers or both?
- What specification of CCTV will be required to achieve the aims of any such policy?
- How long will images be required to be saved on the system?
- Will the system be initiated by the driver or by the ignition?
- Who (Police and Licensing Authority) and how can the system be accessed? (Data Protection)
- What are the costs of such a system and who will pay for it?
- How will the system be checked that it is working and fit for use?
- When would such a policy come in to place and what timescales would be given to licensees to install the system?

## **8. Recommendations**

8.1 Members are asked to consider the contents of this report and any representations that may be made in writing and/or verbally at the meeting.

## **9.0 Options**

9.1 To agree that the current policy is satisfactory and make no changes.

9.2 To agree that the current specification is satisfactory and make no changes.

9.3 To propose any potential changes to the policy and/or the specification as the committee consider appropriate.

9.4 To outline any potential changes to the policy and specification for further consideration and request that the Chief Licensing Officer investigate the proposals with regards to costs and the impact those changes may have and report back to a further policy meeting with a full report after consultation.

Stephen Lonnia  
Chief Licensing Officer and Head of Licensing  
Oct 2012

## APPENDIX A

Specification for Closed Circuit Television Cameras in Hackney Carriages and Private Hire vehicles.

### **1. Data Protection.**

All image recording equipment must comply with the requirements of current Data Protection legislation. Documentary evidence of compliance must be provided with any application for consent to use such equipment.

### **2. Installation.**

Equipment must be installed in such a way that it will not cause injury to the driver or the passengers.

Equipment must be secure and not interfere with the safe operation of the vehicle.

All wiring must be fused at source and appropriately routed.

### **3. Operation and image security.**

Images captured must remain secure at all times and be accessible only to Authorised Officers of Sheffield City Council, Police Officers or other bodies specifically approved by Sheffield City Council.

Some form of encryption and access code will be required to ensure permanent security of images.

Recorded images must show the date and time image was captured and identify the vehicle to which the equipment is installed.

### **4. Signage**

There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows.

#### **PASSENGER NOTICE**

This taxi/private hire vehicle is protected by a

**Digital surveillance Camera.**

Any images recorded are held in a secure format and can only be viewed by the police and the licensing authority

#### **SYSTEM PROVIDERS DETAILS**

Signs shall not be less than 88sq CM (11 x 8 cm)

The proposed signage must be submitted to the Council for approval.

The signs shall be located on each passenger door window and legible from outside the vehicle.

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## SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

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**Report of:** Chief Licensing Officer

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**Date:** 25<sup>th</sup> October 2012

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**Subject:** Private Hire and Hackney Carriage Licensing

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**Author of Report:** Steven Lonnia Chief Licensing Officer, Business and Strategy, Place Portfolio

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**Summary:** Report – Testing Frequency of Licensing Vehicles Review

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**Category of Report:** OPEN

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Hackney Carriage and Private Hire Licensing

Review of Frequency of Mechanical Compliance tests for Licensed Vehicles

1.0 Purpose

1.1 To review the current Policy which determines the number of times a licensed vehicle is required to be tested at the expense of the Licensee.

2.0 Background

2.1 The Licensing Sub Committee decided to increase the age at which a licensed vehicle is required to undertake a further test within the year of licence (2 test per year) at its meeting of 22<sup>nd</sup> September 2011.

2.2 The Licensing Sub Committee also required the Chief Licensing Officer to submit a review of this decision within a 12 month period, and during that year, to have undertaken a review of pass and failure rates of vehicles that are tested.

3.0 The current position

3.1 The requirements are different for the two types of licensed vehicles and are as follows;-

3.1.1 Private Hire Vehicles are tested once per year until they are six years old and then twice per year until they are nine years old at which the age policy states the vehicle will no longer be licensed.

3.1.2 Hackney Carriage Vehicles are tested once per year until they are nine years old and then twice per year until they are fifteen years old at which the age policy states the vehicle will no longer be licensed.

4.0 The legal position

4.1 The Local Government (Miscellaneous Provisions) Act 1976 Section 50 allows a Local Authority to instruct a proprietor (licensee) to present their vehicle no more than three times in any twelve month period.

4.2 The test is at the cost of the licensee. Currently £59 for a hackney carriages and £54 for private hire vehicles.

4.3 In addition an Authorised Officer can inspect a licensed vehicle at any time.

4.4 If a vehicle is "road side" inspected and sent for a full test, where the vehicle has been previously tested three times prior to that particular inspection the Council would not be able to charge for that test. In all other cases a charge may be levied.

## 5.0 Review of testing findings

5.1 Below is a full break down of the vehicles testing over the last 11 month period.

### 5.2 Hackney Carriage vehicles

#### Suspended Vehicles Fails

Month	No	9yrs +	No result	Pass	Fail	Susp	% fail	< 4 faults	> 4 Faults	> 7 faults	Declared dangerous
Oct	86	7	0	47	29	10	45%	3	2	5	7
Nov	142	44	26	64	40	12	53%	4	1	3	2
Dec	95	64	25	31	27	12	57%	2	2	8	5
Jan	109	39	11	68	23	7	31%	3	2	2	2
Feb	124	68	76	24	13	11	19.5%	5	0	5	1
Mar	132	20	24	68	31	9	30%	2	3	3	1
Apr	133	78	27	61	30	15	34%	4	5	6	7
May	158	65	51	68	31	8	25%	3	2	3	2
Jun	137	44	45	56	34	7	30%	2	3	2	2
Jul	100	43	0	69	27	4	31%	3	6	0	1
Aug	113	39	8	77	16	12	25%	4	6	2	2
TOTALS	1329	511	293	633	301	107		35	32	39	32
Averages	121	46.45	26.63	57.5	27.4	9.7	34.59%	2.8	2.4	3.4	2.7

### 5.3 Private hire vehicles

#### Suspended Vehicles Fails

Month	No	6yrs +	No result	Pass	Fail	Susp	% fail	< 4 faults	> 4 Faults	> 7 faults	Declared dangerous
Oct	138	23	1	90	36	11	34.5%	8	1	2	5
Nov	216	73	56	116	29	15	26%	7	2	1	5
Dec	156	59	34	91	22	9	20%	4	4	1	2
Jan	135	48	18	93	12	12	18%	6	6	0	1
Feb	185	36	30	216	42	17	19.5%	3	1	2	0
Mar	164	49	15	111	26	12	16.5%	7	0	2	3
Apr	167	56	19	105	30	13	26%	8	2	3	8
May	235	47	99	104	15	17	14%	11	4	2	10
Jun	179	43	61	82	28	8	20%	3	4	1	5
Jul	154	39	2	125	18	7	16%	5	2	0	4
Aug	127	56	9	108	7	3	8%	4	2	1	1
TOTALS	1976	529	344	1241	265	124		66	28	15	44
Averages	168.7	48.1	31.3	112.8	24.1	11.3	19.9%	5.6	2.4	1.3	3.9

5.4 The review is split between the two types of vehicles it is impossible to split the tested vehicles into age related groups.

5.5 The no result line in the table includes tests that have been moved, cancelled, not attended and/or brought forward.

5.6 The numbers of test also include vehicles that are re-tested so the ones that have failed and then pass add to the figures and also the overall numbers of tests.

5.7 The declared dangerous column is where it is indicated by the tester on either the VOSA MOT record or the compliance record that the fault(s) on the vehicle are dangerous.

5.8 You can see from the results that a 3<sup>rd</sup> of all hackney carriages fail the test when presented, and 5<sup>th</sup> of all private hire vehicles fail the test.

5.9 Over the period 3305 vehicles tests were carried out and the Council issued 409 new vehicles licenses. 59 hackney carriages and 350 private hire.

This leaves 2896 tests carried out which will include re-tests of new vehicles but this number cannot be extracted or separated.

5.10 231 vehicle licenses were suspended because of the failures. This out of 2896 tests equates to 8% of all licensed vehicles tested.

5.11 Of all vehicles tested 73 were declared dangerous. That equates to 2.2% of all vehicles tested.

## 6 Age of current licensed vehicles

6.1 The current average age of vehicles is as follows this was at the time of gathering the information for the report which was September 2012.

Type of vehicle	Numbers licensed	Average age over all	Aged 0 – 5	6 – 10	Over 10
Hackney	857	8.98	182	399	275
Private hire	1369	5.32	947	422	0

6.2 According to current figures this means that the majority of hackney carriages will have to under take two tests per year, within the next year.

6.3 In the same context the majority of private hire vehicles have only one test per year currently.

## 7.0 Consultation

7.1 The report was circulated to Trade representatives in the usual manner prior to the meeting.

7.2 The Trade representatives were invited to this meeting.

## 8.0 Recommendations

8.1 The Committee consider this report and any representations made to it.

## 9.0 Options

9.1 The Committee make recommendations to alter the current policies and detail the changes.

9.2 Consider the current policy as a suitable and make no changes to it.



## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 25<sup>th</sup> October 2012

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**Subject:** South Yorkshire Act 1980 – Section 52  
Second Hand Dealers Registration Proposed Fee

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**Author of Report:** Shimla Rani - 2037752

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**Summary:** For Members of the Licensing Committee to consider implementing a nominal fee for the registration of second hand dealers

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**Recommendations:** That Members of the Licensing Committee note the contents of the report and approve the proposed new fee.

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**Background Papers:** Attached to this report

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**Category of Report:** OPEN

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**REPORT OF THE CHIEF LICENSING OFFICER (HEAD OF LICENSING)  
TO THE LICENSING COMMITTEE**

**No: 83/12**

**South Yorkshire Act 1980 – Section 52  
Second Hand Dealers Registration - Proposed Fee**

**1.0 PURPOSE AND OUTCOMES**

- 1.1 The purpose of this report is for members to consider implementing a nominal fee for the registration of second hand dealers.
- 1.2 The outcome of this report is to ensure that the Licensing Service recovers the reasonable costs of administering and enforcing the second hand dealer's registration scheme.

**2.0 SECOND HAND DEALERS REGISTRATION**

- 2.1 The registration of second dealers has recently transferred to the Licensing Service from the Trading Standards department for which there are over 500 registrations.
- 2.2 A second hand dealer is any person who carry's on the business of a dealer in second hand goods. The person and the premises must be registered with the Council (unless exempted).
- 2.3 Section 52 of the South Yorkshire Act 1980 that regulates second hand dealers is attached at appendix 'A'.

**3.0 PROPOSES FEE**

- 3.1 A second hand dealer's registration lasts for three years from the date of issue and currently there is no fee to register.
- 3.2 A fee of £15 on application is proposed to cover the administration/enforcement of the system. This fee would equate to £5 a year for the applicant and will be reviewed annually.
- 3.3 We have proposed the above fee so that it does not prevent us from delivering on our priorities whilst ensuring we recover our reasonable costs.
- 3.4 The Provision of Services Regulations 2009 which came into force on 28 December 2009, Para 18(4) states any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of these procedures and formalities

#### **4.0 CONSULTATION**

- 4.1 A consultation letter on the proposed fee has been sent to all current second hand dealers registered with the authority (over 500) on the 11<sup>th</sup> September 2012 asking for comments by the 1<sup>st</sup> October 2012. A copy of the consultation letter is attached at appendix 'B'.
- 4.2 A total of six responses have been received, details of which are attached at appendix 'C'. Full copies of the responses will be available at the meeting should Members wish to view this.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications for the Council arising from this report. Should Members agree the proposed fee as detailed in the report above, the Council will recover its reasonable costs of the Licensing Service in relation to administering / enforcing the above licensing system.

#### **6.0 RECOMMENDATIONS**

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

#### **7.0 OPTIONS OPEN TO THE BOARD**

- 7.1 To authorise the Chief Licensing Officer and Head of Service to implement the new registration fee for second hand dealers.
- 7.2 To authorise the Chief Licensing Officer and Head of Service to implement a registration fee for second hand dealers with amendments.
- 7.3 To defer the decision to implement the new registration fee for second hand dealers
- 7.4 To refuse to implement the new registration fee for second hand dealers.

Stephen Lonnia  
Chief Licensing Officer & Head of Licensing  
Business Strategy & Regulation  
Place

9<sup>th</sup> October 2012

## APPENDIX 'A'



## South Yorkshire Act 1980

### Section 52

- (1) As from the appointed day, a person shall not in the county carry on the business of a dealer in second-hand goods unless he is registered by the county council under this section or exempted from registration by, or by virtue of, subsection (9) below and, when he is not so exempted, he shall not carry on such a business in premises occupied by him when the premises are not so registered.
- (2) On application for registration under this section the county council shall register the applicant and, if the application specifies premises, those premises and issue to the applicant a certificate of registration.
- (3) (a) Every person registered under this section shall, as respects every transaction under which he acquires articles in the course of his business, enter, in a book kept by him for that purpose, the date of the transaction, the quantity and description of the articles and the name and address of the person from whom the articles were acquired.

(b) Any book kept by a person in pursuance of paragraph (a) above, shall be retained by him until the end of the period of one year beginning with the day on which the last entry was made in the book.
- (4) Registration under this section shall remain in force for three years from the date thereof.
- (5) If any person contravenes subsection (1) or (3) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (6) The occupier of any premises used by a person registered under this section for the purposes of the business in respect of which he is so registered shall keep a copy of the certificate of registration displayed in the premises, and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on

summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

**(7)** A police constable may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause to believe are used for or in connection with the business of a dealer in second hand goods and any book kept in accordance with subsection **(3) (a)** above, and may do all such things as are reasonably necessary for the purpose of ascertaining whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this section.

**(8) (a)** If a person registered under this section acquires any second hand goods from a person whom he knows to be under the age of 16 years, whether those goods are offered by that person on his own behalf or on behalf of another person, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

**(b)** Any person who, on selling second hand goods to a person registered under this section gives that person a false name or false address shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

**(9)** This section shall not apply to-

**(a)** any person engaged in a business carried on by a group organisation or body which is registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section; or

**(b)** a person in respect of whom particulars are registered under the Scrap Metal Dealers Act 1964 in respect of his business as a scrap metal dealer; or

**(c)** a person engaged in business as a dealer in waste paper, cardboard, textiles or plastics in bulk in respect of his business as such; or

**(d)** the holder of a licence issued under section 22 of the Consumer Credit Act 1974, in respect of activities covered by the licence of a person who does not need such a licence by virtue of section 21 of that Act; or

**(e)** a person engaged in the business either of financing the acquisition of goods by means of hire purchase agreements, conditional sale agreements or

credit sale agreements (as defined in section 189(1) of the said Act of 1974) or of financing the use of goods by means of bailment agreements, in respect of any such business or any transaction incidental thereto; or

- (f) a person engaged in a business of which the primary purpose is the supply of new unused goods and to which the supply of second hand or used goods is merely incidental;

and for the purpose of this section a person is not to be treated as carrying on the business of a dealer in second hand goods merely because occasionally he enters into transactions belonging to a business of that sort.

## APPENDIX 'B'

Licensing Service  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield, S9 3HD  
Tel:0114 2037752 Fax:0114 2734510  
E-mail: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)  
Date Tuesday, 11<sup>th</sup> September 2012



[name and address]

Reference: Lic/Secondhanddealers/SJL

Dear Sir/Madam

### **IMPORTANT INFORMATION**

#### **South Yorkshire Act 1980 - Section 52 Second Hand Dealers Registration**

I write to inform you that the Licensing Service of Sheffield City Council have now taken over the administration/enforcement of the Second Hand Dealer's Registration scheme from Sheffield's Trading Standards Department. Details and application packs can be found on our website by logging onto [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

On reviewing the system, the Licensing Authority is seeking to place a nominal fee of **£15** for the processing of the Second Hand Dealer's Registration system (this would equate to £5 a year for the registration).

To ensure that we obtain the opinions of all Second Hand Dealers we have undertaken this short consultation and I would appreciate any comments that you have in relation to this proposal, either in support of, or against the proposed fee.

Please provide your comments by **5pm Monday, 1<sup>st</sup> October 2012** to the address given below or via email to [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk) :

**Licensing Service  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield, S9 3HD**

If you require any further information regarding this matter please do not hesitate to contact the Licensing Service on 0114 2037752.

Yours faithfully

A handwritten signature in black ink that reads "Steve Lonnia".

Stephen Lonnia  
**Chief Licensing Officer, Head of Licensing  
Licensing Services**

## APPENDIX 'C'

# Consultation Comments Received

Name / Organisation Details	Comments
B.R. Hobson of 'Moorgate Acoustics (Sheffield) Ltd'	'Does not think the 'charge' is unfair – would be willing to contribute/pay for this'
M Revill	"As you say, £15 is a nominal fee...not a great fortune."
Sarfraz Ishaq	The fee would not be problematic however states that it should be free.
J. Woodhead of J & R Woodhead Antique	Is not in favour of a registration fee.
Mark Ociecko	Is not in favour of a registration fee
H Greaves of Dronfield Antiques of Sheffield	'I would imagine that the proposed fee of £15 will cost more to administer than the revenue which it will generate.'

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## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 25<sup>th</sup> October 2012

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**Subject:** Local Government (Miscellaneous Provisions Act) 1982  
Street Trading Policy Consultation

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**Author of Report:** Shimla Rani - 2037752

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**Summary:** To notify and consult with Members of the Licensing Committee on the draft Street Trading Policy, application forms and proposed fees.

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**Recommendations:** That Members of the Licensing Committee note the contents of the report and comment on the draft Street Trading Policy, application forms and fees.

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**Background Papers:** Draft Street Trading Policy, application forms and proposed fees can be found at the following link [www.sheffield.gov.uk/streettradingconsult](http://www.sheffield.gov.uk/streettradingconsult).

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**Category of Report:** OPEN

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# **REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE**

Ref: 84/12

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1982 STREET TRADING POLICY CONSULTATION**

### **1.0 PURPOSE OF REPORT**

1.1 To notify and consult with Members of the Licensing Committee on the following:

- Draft Street Trading Policy
- New draft application forms for:
  - City Centre Street Trading
  - Static Street Trading
  - Mobile Street Trading for Ice Cream
  - Mobile Street Trading for Fruit / Vegetables and other traders
  - School Street Trading
  - Football Street Trading
  - Variation applications
  - Assistant Badges
- Proposed new fees on certain applications

1.2 All documentation can be viewed at the following web link [www.sheffield.gov.uk/streettradingconsult](http://www.sheffield.gov.uk/streettradingconsult), a full copy will be available to view at the meeting.

### **2.0 INTRODUCTION**

2.1 The Council as a Licensing Authority have power under the provision of the 1982 Act to regulate Street Trading in the City.

2.2 A Street Trading Consent is required to trade on any Street (which includes roads, footways, forecourts, or other areas to which the public have access) within the Sheffield City Boundary.

2.3 The Licensing Committee at it's meeting of 29th January 2002 passed the following resolution:

“That under the provisions of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

1. That under the provisions of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:
  - (a) all streets (which includes roads, footways, forecourts or other areas to which the public have access) within the Sheffield City boundary, shall be designated consent streets and;
  - (b) such street trading designation shall take effect as from the 1<sup>st</sup> April 2002; and
  - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.

2. The effect of this resolution is that from 1<sup>st</sup> April 2002, it will be an offence to engage in street trading in any street or any other place identified in the above resolution without being authorised to do so by consent from the City Council.”

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

- 3.1 The policy sets out Sheffield City Council’s framework for the management of street trading in the city. The policy also aims to prevent the obstruction of the streets by street trading activities and ensure the safety of persons using them.
- 3.2 In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.
- 3.3 The current street trading procedure has become difficult to manage and monitor as we are receiving increasing numbers of complaints regarding traders. It is difficult to know where mobile traders are, and most are trading in the same area near shops and similar outlets which has caused severe problems.
- 3.4 The new policy and application documentation will allow the Authority to regulate, monitor and enforce the street trading regime in a better way with stringent application forms, set qualitative criteria, amended and additional conditions, to scale location plans which will be placed on consents and restricted areas for mobile traders who trade in fruit / vegetables and other types of traders (excluding ice cream sellers).
- 3.5 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the Authority will make decisions and how their needs will be addressed. This will include disclosure of breaches, complaints received and the behaviour of applicants/consent holders.
- 3.6 The policy deals with the following Street trading activities for the grant, renewal, and variation of Street Trading Consents:
  - **City Centre Street Trading (small unit/barrow/cart)**
    - Set application procedure including stringent identification documentation
    - Set fee
    - Set city centre qualitative criteria
    - Set standard conditions
    - Consultation
  - **Static Street Trading**
    - Set application procedure including stringent identification documentation
    - Scale plans required identifying local shops that may be affected
    - Set qualitative criteria which must be met
    - Set standard conditions and additional conditions relating to static traders
    - Consultation

- **Ice Cream Mobile Street Trading**
  - Set application procedure including stringent identification documentation
  - Set qualitative criteria which must be met
  - Set standard conditions and additional conditions relating to ice cream mobile traders
  - Consultation
  
- **Mobile Street Trading for Fruit / Vegetable and other traders**
  - Set application procedure including stringent identification documentation
  - Restricted to five (5) areas to trade in the City to enable the Authority to control and monitor all areas of Sheffield. The Licensing Committee may restrict the number of traders in an area(s)
  - Set qualitative criteria which must be met
  - Set standard conditions and additional conditions relating to fruit / vegetable and other mobile traders
  - Consultation
  
- **School Street Trading**
  - Set application procedure including stringent identification documentation
  - Scale plans required identifying precise location
  - Requirement of Head Teachers consent to trade outside the school
  - Set qualitative criteria which must be met
  - Set standard conditions
  - Consultation
  
- **Football Street Trading**
  - Set application procedure including stringent identification documentation
  - Scale plans required identifying precise location
  - Set qualitative criteria which must be met
  - Set standard conditions
  - Consultation
  
- **Short Term Street Trading**
  - Set application procedure including stringent identification documentation
  - Scale plans required identifying local shops that may be affected
  - Set qualitative criteria which must be met
  - Set standard conditions and additional conditions relating to static traders
  - Consultation where appropriate

3.7 The policy sets out how the Licensing Authority intends to deal with applications under the Street Trading regime and is also a guide to applicants, other authorities, interested parties and the Licensing Committee.

3.8 It will provide new small businesses and current consent holders with a reference document to assist them in understanding the Street Trading process in Sheffield.

## 4.0 OVERVIEW OF THE STREET TRADING POLICY

- 4.1 The draft Policy brings together each type of Street Trading Consent, procedures and guidance in one document. The below is a breakdown of the policy:

### Part 1 – Introduction

This part of the policy deals with the purpose and objectives of the Policy which links into the Corporate Plan and the Council's strategic objectives. It also explains the legislation and the exemptions of holding a street trading consent.

### Part 2 - Applications and Determination

Part 2 sets out the type of applications and details what is required to obtain approval for a consent. It also details what factors will be considered in determining applications.

### Part 3 – Street Trading Consents

This part deals with all street trading consents in more detail, including the procedure and further requirements of the applicant.

### Part 4 – Conditions and Enforcement

Part 4 deals with conditions relating to street trading consents and how the Authority intends dealing with breaches or illegal activity.

### Part 5 – Other Legislation

This part of the policy refers to other legislation / requirements the applicant must consider when making an application.

### Part 6 – Useful Information and Contact Details

This section of the policy helps applicants to obtain correct contact information of authorities and other useful information.

## 5.0 APPLICATION FORMS AND FEES

- 5.1 New application forms with guidance have been drafted and developed to ensure it ties in with the policy above. The forms details guidance of the procedure and factors that an applicant must take into account.
- 5.2 Some fees have also been changed and included as part of the changes in the street trading regime. The following lists the changes:

Type of Consent	Current Fee	Proposed Fee
Mobile	£236	Ice Cream Mobile <b>£236</b> Fruit / Veg and other Mobile <b>£315</b>
Variation of Consent	£0	<b>£100</b>
Assistant Registration / Badge	£0	<b>£15</b>
Replacement badge	£0	<b>£7.50</b>

Replacement Certificate	£0	<b>£7.50</b>
Change of details on a consent (minor)	£0	<b>£15</b>

## 6.0 CONSULTATION

- 6.1 The Licensing Authority has commenced a consultation process to seek the views of all interested parties to make comments. The consultation process commenced on the 24<sup>th</sup> September 2012 and will last for 6 weeks, concluding at 5:00pm on the 2<sup>nd</sup> November 2012.
- 6.2 Letters and emails (where possible) regarding the consultation have been sent out. The letters and emails have included a link to our website where the draft Street Trading Policy and other documents can be viewed. Consultees have the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access.
- 6.3 All Members of the Council have been notified of the consultation and provided with an emailed copy of the draft policy and application documents.

## 7.0 SO WHAT DOES THE POLICY DELIVER

- 7.1 This Policy has been adopted with a view to securing the following objectives:
- to enhance the city of Sheffield;
  - to protect public health through the control of street trading within the city of Sheffield;
  - to ensure that traders operate within the law and act fairly in their dealings with the public; and
  - to prevent nuisance, unsafe practices and anti social behaviour.
- 7.2 Whilst promoting inclusive, vibrant, safe and strong communities and supporting small business enterprise the Licensing Service will work closely with external partners to support the above objectives.
- 7.3 The production of this document and guidance issued with applications will assist us in achieving our vision of “Doing the right things and doing things right, for our customers and the City, making Sheffield a Great Place to be”.
- 7.4 The work we are doing fits with many of our Service objectives:
- Effective – delivering high levels of customer satisfaction.
  - Equitable – ensuring provision to all without disadvantaging anyone.
  - Empowering – engaging with customers and involving them in our decisions.
  - Enabling – working proactively to help make things happen.
- 7.5 It also fits in with our Service design principles:
- Collaboration – working effectively with customers, partners and other stakeholders to provide a streamlined quality service.

- Responsiveness – listening and acting in a timely fashion to complaints and queries.
- Openness – being transparent and accountable to enforcement issues and decisions made on applications.
- Flexibility – by making it easier for customers to make applications, discuss issues, hold meetings and provide information is a convenient and flexible way.
- Learning – listening / learning to customers, improving systems and the way we can do things better over time.

7.6 The overarching benefits are that the Policy will assist in achieving the Place core strategic outcome of “Making Sheffield a Great Place to Be”.

7.7 This will be by supporting the following outcomes:

- **A Strong & Competitive Economy**
  - working with businesses to set up and be a part of the growth of the local economy.
- **A Great Place to Live**
  - **good place management** by involving communities and ensuring traders fit in and contribute to the appearance and enhancing an area ensuring it is safe, attractive and clean by placing conditions and meeting a qualitative criteria.
  - **effective service delivery** by working in collaboration with other agencies, departments and the communities to ensure effective quality service.
- **Vibrant City**
  - by enhancing the **night time economy** by providing customers wants and needs for the city.
  - being **destination of choice** by having variety in the city.
- **Safe & Secure Communities**
  - by working with police, safer neighbourhood officers, etc. to improve communities and tackle problems associated with street trading
- **Successful Young People**
  - **protect and promote the welfare of children** and ensuring the suitability of all applicants.

## 8.0 FINANCIAL IMPLICATIONS

8.1 There are no financial implications arising from this report as the Licensing Authority recovers its reasonable costs of administering and enforcing the street trading consent system through an approved scale of fees.

8.2 Members should note that if any application is referred to the High Court significant legal costs are likely to be incurred. There is no hold over budget within the Licensing Service to cover such costs.

## 9.0 RECOMMENDATIONS

9.1 That Members of the Licensing Committee note the contents of the report.

- 9.2 That Members of the Licensing Committee comment on the draft Street Trading Policy.
- 9.3 That Members of the Licensing Committee comment on the draft application documents.
- 9.4 That Members of the Licensing Committee comment on the proposed application fees.

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

15<sup>th</sup> August 2012





## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 25<sup>th</sup> October 2012

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**Subject:** Terms of Reference and Officer Delegation

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**Author of Report:** Stephen Lonnia - 2053798

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**Summary:** To inform Members of the updated Terms of Reference for the Licensing Committee and the current Scheme of Officer Delegations.

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**Recommendations:** That Members note the content of this report and the attachments.

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**Background Papers:** Attached to this report

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**Category of Report:** OPEN

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# REPORT OF THE CHIEF LICENSING OFFICER and HEAD OF LICENSING TO THE LICENSING COMMITTEE

25<sup>th</sup> October 2012

85/12

## Licensing Committee – Terms of Reference and Officer Delegations

### 1.0 SUMMARY

- 1.1 To inform members of the updated Terms of Reference for the Licensing Committee and the current Scheme of Officer Delegations.

### 2.0 BACKGROUND

- 2.1 The Full Council at its meeting on the 5<sup>th</sup> September 2012 adopted some minor changes to Part 3 of the Council Constitution in relation to Responsibility for Functions.
- 2.2 These were minor changes / updates to legislation and the transfer of three licensing functions to the Licensing Service from Trading Standards and Highways.

### 3.0 LICENSING COMMITTEE – TERMS OF REFERENCE

- 3.1 The Council Constitution at paragraph 3.3.2 sets out in a table the Local Authority Functions. These are Council Functions that can be delegated to Committees or Officers. They are Local Authority functions which by law cannot be the responsibility of the Executive.
- 3.2 Part B of that table refers to Licensing and Registration functions in so far as not covered by any other paragraph of the table. A copy of the table is set out in Part 3 of the Constitution and is attached for information at Appendix A.
- 3.3 Paragraph 3.3.5 of Part 3 details matters delegated to Council Committees and Sub Committees. This section details the Licensing Committee's Terms of Reference. A copy of the Licensing Committee Terms of Reference is attached for information and ease of reference at Appendix B.
- 3.4 Licensing Committee will note, that included within the table in Part 3 and the Terms of Reference are powers to exercise and enforce the Councils functions in relation to;
- Pavement Café Licences – Local Government (Miscellaneous Provisions) Act 1982 and the Highways Act 1980
  - Poisons – Poisons Act 1972
  - Second Hand Dealers – South Yorkshire Act 1980

#### **4.0 SCHEME OF OFFICER DELEGATIONS**

- 4.1 The scheme of officer delegations approved by the Licensing Committee at its meeting on the 6<sup>th</sup> January 2011 has been amended only to show the correct job title of the Chief Licensing Officer and Head of Licensing.
- 4.2 A copy of the Scheme of Officer Delegations is attached for information at Appendix C.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from this report.

#### **6.0 RECOMMENDATIONS**

- 6.1 That members note the content of this report and the attachments.

Steve Lonnia  
Chief Licensing Officer and Head of Licensing  
Licensing Service  
Staniforth Road Depot  
October 2012

# **Appendix “A”**

## **Part B of**

### **Table of Functions**

\*

relation to a listed building.	and Conservation Areas) Act 1990 (c.9)
30A. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c.8)
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
<b>B. Licensing and registration functions (in so far as not covered by any other paragraph of this table)</b>	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57);
	(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Part 8 and 9 of the Gambling Act 2005
7. Power to grant track betting licences.	Section 153, 154 and 164 of Part 8 of the Gambling Act 2005
8. Power to license inter-track betting schemes.	Gambling Act 2005
9. Power to grant permits in respect of premises with amusement machines.	Section 274 and Schedule 12, Section 283 and Schedule 13, Section 289 and Schedule 14 and Part 10 of the Gambling Act 2005
10. Power to register societies wishing to promote lotteries.	Section 258, Schedule 11 Parts 1 to 7 of the Gambling Act 2005
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Section 247 and Schedule 10 and Part 10 of the Gambling Act 2005
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c. 13).
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54).
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), Licensing Act 2003
14A. Functions relating to licensing.	Sections 5 to 8 of the Licensing Act 2003 (c. 17).
14AA Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the 2005 Act
14AB Functions relating to exchange of information.	Section 30 of the 2005 Act.
14AC Functions relating to occasional use	Section 39 of the 2005 Act.

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notices.	
14B Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act.
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the 2005 Act.
14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the 2005 Act.
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act.
14E. Power to exchange information	Section 350 of the 2005 Act.
14F. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479).
14G Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act.
15. Power to license sex shops, sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66).
23. Power to license dealers in game and the killing and selling of game.	Regulatory Reform (Game) Order 2007/2007
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c.40).
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963(c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of

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	Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
34. Power to license knackers' yards.	Animal By-Products (Enforcement) (England) Regulations 2011/881
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
36. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to—  a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or  b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118)	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).
38. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
43. Power to issue licences for the movement of pigs.	Pigs (Records, Identification and Movement) Order 2003/2632
44. Power to license the sale of pigs.	Pigs (Records, Identification and Movement) Order 2003/2632
45. Power to license collecting centres for the movement of pigs.	Pigs (Records, Identification and Movement) Order 2003/2632
46. Power to issue a licence to move cattle from a market.	Cattle Identification Regs 2007/529
46A. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Local Government (Miscellaneous Provisions) Act 1982 – Schedule 5, Part 1 and Sections 115E, 115F and 115K of the Highways Act 1980.
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c. 66).
47A. Duty to publish notice in respect of	Section 115G of the Highways Act 1980

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proposal to grant permission under section 115E of the Highways Act 1980.	
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082) <sup>65</sup>
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.



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69. Power to issue near beer licence. – only applies to London Boroughs	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.
70. Power to register premises or stalls for the sale of goods by way of competitive bidding. – only applies to London Boroughs	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii).
71. Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001 (c.3).
72. Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
73. Functions relation to the registration of city based dealers in second hand goods	South Yorkshire Act 1980, Section 52
<b>C. Functions relating to health and safety at work</b>	
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37)
<b>D. Functions relating to elections</b>	
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2)
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24)
8. Duty to divide constituency into polling districts.	sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual	Section 87 of the Local Government Act 1972.

# **Appendix “B”**

## **Licensing Committee**

### **Terms of Reference**

- 
- (l) To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and anti-corruption strategy and the Council's complaints process.
  - (m) To oversee the production of the Council's Annual Governance Statement and monitor progress on any issues.
  - (n) To consider the Council's arrangements for corporate governance and any necessary actions to ensure compliance with best practice.
  - (o) To consider the Council's compliance with its own and other published standards and controls.

#### *Accounts*

- (p) To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

### **COMPLAINTS REVIEW PANEL**

#### **Terms of Reference**

To consider and determine, in accordance with legislative requirements, complaints in relation to the discharge of, or any failure to discharge the Council's social services functions in relation to an individual.



### **LICENSING COMMITTEE**

#### **Terms of Reference**

- (a) The Licensing Committee shall be the licensing committee for the purposes of Section 6, Licensing Act 2003.
- (b) Except where by law or this Part of the Constitution they are functions reserved to Full Council, or where by virtue of this Constitution responsibility lies elsewhere, to exercise the functions of the Council whether as licensing authority under the Licensing Act 2003 and Gambling Act 2005 or otherwise, with regard to licensing matters under all other relevant legislation (including bye-laws), conferring upon the Council powers and duties relating to such matters, as well as any incidental steps deemed necessary or desirable and, in particular:-
  - (i) to exercise and enforce the Council's licensing functions including but not limited to those listed in Table 1 below;

- (ii) to consider and determine any plan, strategy or other policy of the Council specific to the powers and duties within its terms of reference.
- (c) Where licensing matters (including policy and adoption of legislation) are to be determined by Full Council to consider the matters and make recommendations to Full Council.
- (d) Exercise the power under the Commons Registration Act 1965 and the Commons Act 2006 to register common land or town and village greens, except where the power is exercisable solely for the purpose of giving effect to (a) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or (b) an order under section 147 of the Inclosure Act 1845; and to exercise the power to register variation of rights of common, PROVIDED that authority to determine the validity of an application to register land as common land or a town or village green is hereby delegated to the Director of Legal Services.

<b>Legislation</b>	<b>Extent</b>	<b>Summary of Provision</b>
Animal Boarding Establishments Act 1963	All	Regulation and enforcement in relation to animal boarding establishments.
Breeding of Dogs Act 1973	All	Regulation and enforcement in relation to premises used for breeding dogs.
Breeding of Dogs Act 1991	All	Power to inspect unlicensed premises used for breeding dogs.
Criminal Justice and Police Act 2001	Chapter 2	Designating public places in relation to consumption of alcohol; closure notices and closure orders.
Dangerous Wild Animals Act 1976	All	Regulation of the keeping of certain kinds of dangerous wild animals
Fire Safety and Safety of Places of Sport Act 1987	Parts II and III	Provisions for the safety of stands at sports grounds
Gambling Act 2005	Parts 1-3,8-16 and 18 (save ss166 and 349 which are reserved to	Provisions about gambling

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	Full Council)	
House to House Collections Act 1939	All	Regulation and enforcement of charitable collections
Hypnotism Act 1952	All	Authorisation of hypnotism exhibitions, demonstrations or performances.
Licensing Act 2003	All	Regulation and enforcement in relation to sale of alcohol, regulated entertainment and late night refreshment
Local Government (Miscellaneous Provisions Act) 1976	Part II	Provisions for the licensing, regulation and enforcement of hackney carriages and private hire vehicles and the drivers and operators of hackney carriages and private hire vehicles
Local Government (Miscellaneous Provisions) Act 1982	Parts II and III	Control of Sex Establishments; Control of Street Trading
Local Government (Miscellaneous Provisions) 1982 and the Highways Act 1980.	LG (MP) Act Schedule 5, Part 1 and Highways Act Sections 115E, 115F and 115K of the	Regulation and Enforcement of Pavement Café Licences
Marriage Act 1949	s46A	Approval of premises for the solemnization of marriages
Pet Animals Act 1951	All	Regulation and enforcement of Pet Shops
Poisons Act 1972	s5, s6 and s9	Regulation and enforcement of the registration of persons to sell poisons
Police, Factories etc. (Miscellaneous Provisions) Act 1916	s5	Regulations covering street collections
Policing and Crime Act 2009	s27	Sexual Entertainment Venues Transitional Provisions.
Riding Establishments Act 1964	All	Regulation and enforcement in relation

		to riding establishments.
Riding Establishments Act 1970	All	Provisional licensing of riding establishments.
Safety at Sports Grounds Act 1975	All	Provisions for safety at sports stadia and other sports grounds
South Yorkshire Act 1980	s52	Registration of dealers in second hand goods
Scrap Metal Dealers Act 1964	All	Regulation and enforcement of scrap metal dealers
Town Police Clauses Act 1847	ss37 to 68	Provisions for the licensing, regulation and enforcement of hackney carriages
Transport Act 1985	s16	Limitation on Hackney Carriage numbers
Vehicles (Crime) Act 2001	Parts 1 and 4	Regulation and enforcement of motor salvage operators
Zoo Licensing Act 1981	All	Regulation and enforcement in relation to zoos
<p>This list is non-exhaustive. All legislation is as may be amended from time to time and includes any schedules related to the provisions listed and any regulations, bye-laws or Statutory Instruments made under that legislation. To the extent that a matter included is reserved to Full Council the term of reference to the Licensing Committee is to consider and make recommendations to Full Council on that matter.</p>		

## PLANNING AND HIGHWAYS COMMITTEES

There are two Committees to exercise the Council's non-executive Planning and Highways functions, each with the terms of reference below. They are:-

- **The City Centre, South and East Committee** (whose terms of reference relate to matters within its area of responsibility shown on the map kept by the Head of Planning for this purpose; and
- **The West and North Committee** (whose terms of reference relate to matters within its area of responsibility shown on the aforementioned map).

### Terms of Reference

- (a) To exercise the non-executive functions of the Council as planning and highways authority set out in Part A, 5-31, Part B, 41 and 46A-55 and

# **Appendix “C”**

## **Scheme of Officer Delegations**

## Scheme of Officer Delegations

Licensing Committee delegates to the Chief Licensing Officer and Head of Licensing the following functions within its terms of reference (except to the extent that such function is by law reserved to Licensing Committee or Licensing Sub-Committee);

1. To take all administrative, incidental and ancillary steps to give effect to a decision of the Licensing Committee or Licensing Sub-Committee
2. To undertake such administrative, incidental and ancillary steps as are required by law, policy of the Council or Licensing Committee, or which the Chief Licensing Officer and Head of Licensing believes may be required to comply with statutory requirements, including such steps in relation to any consultation.
3. To grant, transfer, vary, renew and issue any licence, permits, consent or other permission where;
  - a. no relevant lawful objection has been submitted and not withdrawn; and
  - b. the grant and issue would be in accordance with any policy of the Licensing Committee (including in relation to any standard conditions or other conditions be imposed pursuant to policy) save where by law such policy must be disregarded.
4. To determine whether preliminary administrative steps required by law or policy have been complied with in circumstances where there is no material dispute over the facts such delegation to include the rejection of any application or request that is not in accordance with law.
5. To take all enforcement proceedings (including in relation to fees due) in accordance with any policy of the Licensing Committee save institution of court proceedings and revocation or permanent removal of any licence, permits, consent or other permission, but shall for the avoidance of doubt include delegation to suspend where in accordance with law.
6. To liaise with the Director of Legal Services over the institution of court proceedings.
7. In relation to legislation covering safety at sports grounds to take all steps in accordance with the legislation.
8. In relation to legislation covering house to house or street collections to refuse applications where not in accordance with a policy of the Licensing Committee.

Notes: Delegation of a function does not remove it as a function of the Licensing Committee and Officers can refer any matter to Licensing Committee (or Licensing Sub-Committee if within its remit) as they think appropriate.