

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 5 February 2013

PRESENT: Councillors John Robson (Chair), Neale Gibson and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors David Barker, Nikki Bond, Jillian Creasy, George Lindars-Hammond, Vickie Priestley, Ian Saunders, Nikki Sharpe, Clive Skelton (Deputy Chair), Geoff Smith and Philip Wood.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

- 4.1 The minutes of the meetings of the Licensing Sub-Committee held on 11th, 13th and 17th December 2012, and 3rd and 7th January 2013, were approved as correct records.

5. GOVERNMENT CONSULTATION - STREET TRADING AND PEDLARY LAWS - COMPLIANCE WITH THE EUROPEAN SERVICES DIRECTIVE

- 5.1 The Chief Licensing Officer submitted a report informing Members of a consultation paper that had been released by the Department for Business, Innovation and Skills, regarding the new proposed draft regulations, amendments to the Local Government (Miscellaneous Provisions) Act 1982, and seeking their comments on the draft response of the Licensing Authority, which was attached at Appendix 'A' to the report.
- 5.2 Steve Lonnia, Chief Licensing Officer, indicated that the Licensing Authority was generally in favour of the new proposed draft regulations.
- 5.3 In response to questions from Members of the Committee, Mr Lonnia stated that officers had similar concerns regarding the fact that the legislation does not define the minimum age a Pedlar could be and that whilst there was nothing the Licensing Authority could do about this, it had sought the views of the Sheffield Safeguarding Children Board, and the Board's views had been included in the consultation response. In terms of the extent of Pedlars operating in the City Centre, he stated that although there had been a reduction in the number of Pedlars following the action taken by officers in December 2012, it was expected that the numbers would

gradually increase throughout 2013. He added that this issue was a particular problem as the Licensing Service had no specific budget for enforcement, but officers would continue to liaise with the City Centre Management Team and the City Centre Ambassadors.

5.4 **RESOLVED:** That the Committee:-

- (a) notes the contents of the report now submitted, together with the responses to the questions now raised; and
- (b) approves the response to the consultation on Street Trading and Pedlary Laws, as set out in Appendix 'A' to the report, for submission to the Department for Business, Innovation and Skills.

6. **CRIMINAL JUSTICE AND POLICE ACT 2001 - DESIGNATED PUBLIC PLACE ORDER (DPPO) - WOODHOUSE**

6.1 The Chief Licensing Officer submitted a report on the results of the consultation undertaken in connection with the proposed extension of the Designated Public Place Order (DPPO) which had been implemented in respect of the area known as Market Square, Woodhouse, into Tannery Park. The report indicated that approval had been given to the continuation of the Order at a meeting of the Licensing Sub-Committee held on 16th October 2012 and, as part of the decision at that meeting, the Sub-Committee had agreed that consultation be undertaken with relevant individuals, groups and organisations on the extension of the Order into Tannery Park, as requested by the Sheffield South East Safer Neighbourhood Area (SNA).

6.2 Although Inspector Jason Booth, Sheffield South East SNA, was not present at the meeting, the Committee considered a presentation which he had prepared on the results of the consultation. The information contained in the presentation indicated that the three Woodhouse Ward Councillors, local residents, community groups and organisations and the Police were all in favour of the Order being extended into Tannery Park.

6.3 **RESOLVED:** That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made;
- (b) in the light of the information contained in the report, specifically the comments and views expressed as part of the consultation, approves the extension of the Designated Public Place Order (DPPO) for Woodhouse into Tannery Park; and
- (c) expresses its thanks and appreciation for the work undertaken by the Police and the other statutory and voluntary organisations, in respect of the excellent manner in how the DPPO had been operated in Woodhouse.

7. **PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - IMAGE RECORDING EQUIPMENT IN LICENSED VEHICLES REVIEW**

- 7.1 The Chief Licensing Officer submitted a report on a review of the policy and specification of image recording equipment (CCTV) in licensed vehicles. The former Licensing Board, at its meeting held on 23rd May 2003, had agreed a policy and specification to allow licensees to install image recording equipment in their licensed vehicles, and a copy of the agreed specification was attached at Appendix 'A' to the report submitted to this meeting. The policy and specification was further reviewed at a meeting of the former Licensing Board on 17th April 2007, and whilst the issue of a mandatory policy was discussed at this meeting, the Board had made no changes to the policy.
- 7.2 The issue had been further considered at the meeting of this Committee held on 25th October 2012, at which the Committee deferred making a decision pending investigations into a number of issues, relating mainly to the technical specifications of the various image recording systems available, how such systems had been operating in those local authority areas which had adopted mandatory policies and seeking the views of South Yorkshire Police.
- 7.3 Clive Stephenson, Principal Licensing Officer, Taxi Licensing, referred to the views of the Taxi Trades, indicating that they were still opposed to any mandatory requirement in terms of the installation of image recording equipment in their vehicles. He also referred to the legal position, relating specifically to a judgement made in November 2011, when an appeal was made against the introduction of mandatory recording equipment, both audio and visual, in licensed vehicles in Southampton. Mr Stephenson added that there would be no financial implications for the Council, in that the drivers would have to pay for the equipment and its installation, which ranged from £300 to £2,000, depending on specification. He had received considerable information in terms of the various different systems available, including a submission from Autotek, a company which had installed a number of systems in licensed vehicles in the City, and a representative of the company was in attendance at this meeting to respond to any questions on technical issues.
- 7.4 The Chair provided an explanation of the reasoning behind the Council's decision to review whether the installation of equipment should be made mandatory, reporting on a number of examples where both drivers and customers had been subject to physical or sexual assaults or had suffered verbal abuse, including racist abuse. He also made reference to an increasing number of 'run offs', where passengers had run away without paying their fare, and indicated that if there was a mandatory requirement on drivers to install image recording equipment, this would stop, or result in a considerable reduction in such incidents.
- 7.5 In response to questions from Members of the Committee, it was reported that if any mandatory policy was implemented, the checking of the image recording equipment would most likely form part of drivers' compliance certification. There would be an onus on drivers to ensure the equipment was working as the introduction of such a system, whilst protecting public safety, would also protect drivers. There were issues in terms of how the equipment could be tested on the basis that the testing operators would not be able to have access to any images. With regard to the length of image recording, the present systems only had limited

recording time, with some systems working on a loop basis, whereby when a disc was full, the system would start recording again on the same disc, thereby recording over the previous images. The longest recording times for current systems was approximately eight hours. Further to the above responses, Mark Barker, Autotek, stated that some of the more advanced systems in S1 taxis used 32 GB memory cards, which could accommodate up to 72 hours of recording. These systems however, would cost between £1,500 and £2,000. The standard systems in the S1 taxis comprised two cameras, and became operational as soon as the ignition was switched on, and were presently on the market for between £450 and £500.

- 7.6 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), indicated that the views of the Hackney Carriage trade remained the same, in that the Council should continue with the present discretionary policy in terms of image recording equipment. He stated that it would be unfair, predominantly from a financial point of view, to force drivers to have to pay and install operating systems, and added that Hackney Carriage drivers suffered relatively low levels of physical assault or verbal abuse. He indicated that he would be happy to continue to encourage drivers to install such systems, but considered that the requirement should not be mandatory.
- 7.7 In response to questions from Members of the Committee, Mr Rehman stated that anyone committing physical or sexual assaults against passengers should not have been, and never should be, able to drive taxis again. He stated however, that there was still a very low rate of such incidents involving taxi drivers in Sheffield. Taxi drivers would always report incidents of physical assaults against them to the Police, but would not necessarily report incidents of verbal/racial abuse or "run offs" due to the length of time it took to deal with such cases and the perceived low success rates following such reporting. Although he appreciated that having signs both externally and internally, on vehicles, indicating that image recording equipment was in operation, would make it much safer for the public, Mr Rehman still did not consider that the level of reported incidents in Sheffield warranted the Council implementing a mandatory policy. In terms of the financial implications, Mr Rehman stated that he did not consider it reasonable that drivers would have to purchase the equipment and pay for its installation, particularly at a time when many drivers were struggling to make a living. He added that he did not believe that the problems in Sheffield were at such a level as to warrant the expense of all drivers having to pay for the equipment, even if it was paid for by the Council or through grant-funding.
- 7.8 Clive Stephenson stated that the Taxi Licensing Service received between 50 and 70 complaints a year from passengers regarding the conduct of taxi drivers, with around 95% of such complaints relating to drivers' attitudes or standard of driving, and that having image recording equipment in vehicles would assist in resolving a large number of disputes.
- 7.9 In response to a question from the Solicitor to the Committee, Mark Barker confirmed that there was the facility to install an 'on/off' switch, which would enable the driver to activate the audio system in cases where they were receiving verbal or racist abuse, or any other relevant circumstances, which could be to their benefit in terms of any consequent disputes.

- 7.10 **RESOLVED:** That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 7.11 The Solicitor to the Committee reported orally, giving legal advice on various aspects relating to this issue.
- 7.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 7.13 **RESOLVED:** That the Committee:-
- (a) notes the contents of the report now submitted, together with the comments and representations now made and the responses to the questions raised; and
 - (b) agrees, in principle, and in light of the information contained in the report now submitted and the representations now made, that the Hackney Carriage and Private Hire Licensed Vehicle Specifications be amended to the effect that the installation of image recording equipment in both Hackney Carriage and Private Hire licensed vehicles be deemed as a mandatory requirement, but requests the Chief Licensing Officer to submit a report to a meeting of this Committee, to be held before the 2013 Annual Meeting of the Council, containing detailed information on the legal and technical implications raised at this meeting, as follows:-
 - (i) Data Protection compliancy;
 - (ii) Level of encryption;
 - (iii) Ownership of, access to and security of recorded data;
 - (iv) Duration of recordings;
 - (v) Specification and procedure regarding potential audio recording at the discretion of drivers;
 - (vi) Costs and tendering;
 - (vii) Positioning of equipment and cameras and number of cameras;
 - (viii) Timescales regarding installation in both existing and new vehicles; and
 - (ix) Including an additional module on the NVQ Course – “The Introduction to the Role of a Professional Private Hire and Hackney Carriage Driver”.

8. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - LONG SERVICE AWARDS 2012

- 8.1 The Chief Licensing Officer submitted a report on the nominations received for the Private Hire and Hackney Carriage Long Service Awards 2012.

- 8.2 **RESOLVED:** That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.
- 8.3 The Committee considered a shortlist of 12 nominees and, arising therefrom, it was:-
- 8.4 **RESOLVED:** That (a) Long Service Awards be granted to the three drivers and operative now mentioned; and
- (b) the Chief Licensing Officer be requested to (i) arrange an appropriate awards ceremony and (ii) convey the thanks and appreciation of the Committee to the four drivers and operatives.