

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 14 November 2013

PRESENT: Councillors Clive Skelton (Chair), Jillian Creasy, Roger Davison, George Lindars-Hammond, Denise Reaney, Stuart Wattam and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Nikki Bond, Neale Gibson, Adam Hurst and Cliff Woodcraft.

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 Committee held on 12th September and 10th October 2013, and the Licensing Sub-Committee held on 9th, 10th, 16th, 23rd, 26th and 30th September and 3rd October 2013, were approved as correct records.

5. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - DRIVER AND APPLICANT REFERRALS POLICY - REVIEW

5.1 The Chief Licensing Officer submitted a report relating to the review of the current policy in respect of referring current and prospective licensed drivers to the Licensing Sub-Committee and the setting of the guidelines as to when a driver and applicant should be referred. The report had been submitted to the meeting of the Committee held on 12th September 2013, and although the Committee had agreed in principle to a small change in the current policy, attached to the report at Appendix 1, it had requested the submission of further information on the offences and reasons that related to the issue of warnings, cautions and the prosecution of offenders. The report contained such information, together with Appendices 2 and 3, relating to a list of the 'common' offences that officers may detect and details of penalty point schemes adopted by other local authorities. Copies of the local Sheffield City Council By-Laws, relating to hackney carriages, were circulated at the meeting.

5.2 Clive Stephenson, Principal Licensing Officer, presented the report, referring specifically to the additional information requested by the Committee at its

meeting held on 12th September 2013. He reported on the penalty point systems adopted by a number of local authorities, indicating that, in his view, such a system would be very difficult to administer and would create problems for both officers and drivers.

- 5.3 Hafeas Rehman, Sheffield Taxi Trades Association (STTA), agreed with the views now made with regard to a penalty points system, indicating that such a system would place too much pressure and onus on officers, as well as creating confusion for drivers. He agreed broadly with the present warning system, but suggested that those drivers receiving three warning letters for minor offences should be required to attend the Licensing Office to explain their behaviour in front of officers. Mr Rehman concluded by referring to the problems facing taxi drivers in the City Centre, stating that there were very few taxi ranks and places for them to park and that, in his opinion, taxi drivers were being unfairly treated by some Parking Services staff.
- 5.4 Mohammed Yasim, GMB, referred to the recent death of John Robson, the former Chair of the Committee, stating that he wished to express his sincere condolences, on behalf of the GMB, to John's family and friends. Mr Yasim stated that he also agreed with the officer's view in terms of the present referral system and the penalty point system, indicating that there was no justification for the introduction of a point system and that it would be very confusing for both officers and drivers. He reiterated Mr Rehman's views in terms of the problems facing drivers in terms of parking in the City Centre and suggested that the Council look at this issue as a matter of urgency.
- 5.5 In response to comments and questions raised, Clive Stephenson stated that it would be possible to introduce a system whereby warnings were time-limited, with the period of time being dependent on the nature of the offence. Officers had looked at introducing a system similar to the Council's Disciplinary Procedures, where there would be a number of informal stages prior to a warning letter being sent, and prior to any formal disciplinary process, but had decided against this as there was a difference between drivers and employees, as well as the fact that current legislation depicted that all offences should be considered as part of applications for, and reviews of, licenses. In terms of the weightings given in respect of warnings by officers, all aspects of the case would be considered, including whether the driver had committed similar or other offences in the past, and taking into consideration the views of the public in those cases where someone had made a complaint about the actions of a driver. Taxi Licensing Officers would continue to work with colleagues in Transport and Highways in reviewing the number of taxi ranks and parking spaces in the City Centre, particularly in the light of the increase in the number of private hire vehicles. On this issue, the Chair stated that Taxi Licensing Officers worked closely with colleagues in Transport and Highways and Development Services when there were major developments in the City Centre, such as the new Markets building, to look at what provision could be made in terms of parking for taxi drivers. He added that officers also liaised with the bus companies to look at how taxi drivers could rank at certain bus stops once services had stopped running late at night. Mr Stephenson stated that having an agreed procedure in terms of the nature and number of warnings would assist officers and also help to reduce any confusion

for drivers. He stated that he would be willing to attend a future meeting of the Access Liaison Group to discuss the issue regarding the parking of taxis around the new Markets building.

- 5.6 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.
- 5.7 The Solicitor to the Committee reported orally, giving legal advice on various aspects of the report.
- 5.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.9 RESOLVED: That the Committee:-
- (a) notes the contents of the report now submitted, the representations now made and the responses to the questions raised;
 - (b) in the light of the information now reported and the representations now made, agrees that the Council should not adopt a penalty points system in connection with warnings and prosecutions for drivers and operators under the current Referrals Policy; and
 - (c) (i) approves the criteria regarding the Referral of Drivers or Applicants to the Licensing Sub-Committee, relating to more serious offences, as set out in Appendix 1 to the report now submitted, and (ii) agrees that, for less serious misdemeanours, offences and breaches of conditions, (A) drivers and operators should receive a verbal warning for the first offence, a written warning for the second offence, and a final written warning for the third offence, with any further offences resulting in a referral to the Licensing Sub-Committee and (B) the term of the warnings remain on the licence in periods of calendar months, dependent on the nature of the offence.

6. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - TAXI ENFORCEMENT REVIEW

- 6.1 The Chief Licensing Officer submitted a report outlining the enforcement activity undertaken in relation to private hire and taxi licensing for the period 1st April to 30th September 2013.
- 6.2 In attendance were Clive Stephenson, Principal Licensing Officer, Hafeas Rehman, Sheffield Taxi Trades Association (STTA), and Mohammed Yasim, GMB.
- 6.3 Mohammed Yasim stated that both drivers and officers should be commended on the figures regarding vehicle enforcement, driver checks and referrals to the Licensing Sub-Committee. He stated that

the majority of problems at the present time were caused by drivers from other areas plying for hire in the City and drivers illegally plying for hire, and that there was a need for urgent action against such drivers.

- 6.4 Hafeas Rehman welcomed the report, but expressed concern at the fact that there was no reference to operators. He reiterated Mr Yasim's views in that officers should be focussing their enforcement activity on drivers, often those from other areas, illegally plying for hire in the City. He also expressed his concern at any possible reduction in service following the planned restructuring of the Licensing Section, indicating that drivers deserved a better service and wanted to see a better standard of enforcement. He concluded by stating that action was required to resolve the issues at Owlerton Stadium and Napoleon's Casino, Penistone Road.
- 6.5 In response to questions from Members of the Committee, Clive Stephenson stated that arrangements had been put in place in terms of enforcement action against operators, details of which would be included in the next enforcement report. The reason for the increase in the number of checks made by officers in August 2013, was that officers were accompanied by the Police, who were able to stop drivers. Particular efforts were made to stop private hire drivers when officers were accompanied by the Police. Although officers were aware of the problems caused by unlicensed drivers from other areas coming into the City and illegally plying for hire, it was very difficult for them to take any action as, even if they had the relevant contact details, there was no requirement on the drivers to respond or provide any information. It was also very difficult to obtain any job records or other details from their respective operators, therefore officers could not obtain the relevant evidence they required to hand to the Police.
- 6.6 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.
- 6.7 The Solicitor to the Committee reported orally, giving legal advice on various aspects of the report.
- 6.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.9 RESOLVED: That the Committee:-
- (a) notes the contents of the report now submitted, the representations now made and the responses to the questions raised;

- (b) welcomes the report and expresses its thanks to (i) the officers in the Taxi Licensing Section for the excellent work undertaken by them in terms of enforcement and (ii) the drivers in connection with the comparatively low figures regarding defect notices, warning letters and referrals; and
- (c) requests:-
 - (i) the Chief Licensing Officer to submit a total of four update reports on enforcement activity per annum to future meetings, comprising three quarterly reports and one annual report, with (A) both the quarterly reports and the annual report containing comparative figures for the two previous quarterly period or years, respectively, and (B) details in terms of an explanation, being included in the report where any figures vary from the norm; and
 - (ii) that, regardless of any changes following the planned restructuring of the Licensing Service, officers be required to undertake enforcement activity a minimum of 40 weeks per annum.

7. JOHN ROBSON

7.1 The Chair referred to the recent death of John Robson, who was considered to be a good friend, as well as a colleague, to many Councillors, and who had Chaired this Committee since May, 2012.

7.2 RESOLVED: That the Committee:-

- (a) places on record its sadness at the death of John Robson; and
- (b) requests that its sincere condolences be conveyed to John's family and friends.