

Licensing Committee

Thursday 12 December 2013 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

Councillors Clive Skelton (Chair), Jenny Armstrong, David Barker, Nikki Bond, Jillian Creasy, Roger Davison, Neale Gibson, Adam Hurst, George Lindars-Hammond, Denise Reaney, Nikki Sharpe, Stuart Wattam, Cliff Woodcraft and Joyce Wright

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at 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.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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.

FACILITIES

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.

**LICENSING COMMITTEE AGENDA
12 DECEMBER 2013**

Order of Business

- 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:-

14 October 2013
15 October 2013
21 October 2013
28 October 2013
4 November 2013
- 6. Private Hire and Hackney Carriage Licensing - Driver Renewal and New Applicants' Criminal Records Checking**
Report of the Chief Licensing Officer
- 7. Private Hire and Hackney Carriage Licensing - Review of Frequency of Mechanical Compliance Testing of Licensed Vehicles**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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 (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

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 DPIs 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>

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

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Licensing Sub-Committee

Meeting held 14 October 2013

PRESENT: Councillors Clive Skelton (Chair) and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 81/13 attended the hearing with a representative.

4.3 The applicant in Case No. 82/13 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 83/13 attended the hearing with his father and a Councillor, and he and his father addressed the Sub-Committee.

4.5 The applicant in Case No. 84/13 attended the hearing with a representative and his brother, and they all addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
81/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application on the grounds that the Sub-Committee wished to consider the application with three Members of the Sub-Committee and therefore, arrangements be made for the application to be considered at the

meeting of the Sub-Committee to be held on 21st October 2013.

82/13	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.
83/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.
84/13	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months and, on the first renewal, authority be given to grant the applicant a nine month licence, on the second renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 October 2013

PRESENT: Councillors Clive Skelton (Chair), Adam Hurst and Roger Davison

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor George Lindars-Hammond.

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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - CITY CENTRE SMALL TRADING STALLS

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for a street trading consent to trade in the city centre (Ref. No.60/13).

4.2 Present at the meeting were Rosita Hunt (Applicant), David Gill (City Centre Management Team), Andy Ruston (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Andy Ruston submitted photographs of the mobile catering van proposed to be located at the site. The objection received from the Planning Service was based on the fact that the proposed vehicle was a large motorised vehicle rather than a hand cart and as such failed to meet the qualitative criteria for static street trading pitches in the city centre. Lucy Bond, Planning Service was not present at the meeting.

4.4 Members of the Sub-Committee clearly saw that the proposed vehicle was an ice-cream trailer rather than a motorised vehicle, but due to the fact that the objector was not present, it was not possible to discuss the application with her.

4.5 **RESOLVED:** That the application for a street trading consent to trade in the city centre (Ref. 60/13) be deferred to a future meeting to allow further consideration to be given to the suitability of the vehicle now mentioned.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 October 2013

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Adam Hurst

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Nikki Bond attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 85/13 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 86/13 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 87/13 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 81/13 attended the hearing with a representative and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
85/13	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence,

		subject to there being no further cause for concern.
86/13	Renewal of a Hackney Carriage Vehicle Licence	In light of the service history and excellent condition of the vehicle, approval be given to extend the licence for a period of 12 months, with effect from the expiry of the current licence, on the condition that the vehicle is subject to three compliance tests within the 12 month period.
87/13	Renewal of a Private Hire Vehicle Licence	Agreed to depart from the current Licensing policy and issue a licence for the shorter term of six months in the light of the applicant's exceptional circumstances.
81/13	Application for a new Hackney Carriage and Private Hire Driver's Licence	Refuse to grant the licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person in the light of (a) the offences and convictions now reported and (b) the responses to the questions raised.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 October 2013

PRESENT: Councillors Clive Skelton (Chair), Roger Davison and Nikki Sharpe

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Denise Reaney attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 80/13 attended the hearing with a representative and his brother, and they all addressed the Sub-Committee.

4.3 The applicant in Case No.88/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No.79/13 attended the hearing with a representative and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
80/13	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) Lift the current suspension of the licence and the applicant be given a written warning as to his future conduct, operative for the period of the current licence and (b) should there be any further matters occurring in respect of taxi related issues, then the applicant be referred

back to the Sub-Committee.

88/13	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.
79/13	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months, in the light of the offences now reported and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 November 2013

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Nikki Sharpe

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 89/13 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 90/13 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 91/13 did not attend the hearing.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
89/13	Renewal of a Private Hire Vehicle Licence	Refuse to grant a licence on the grounds that the applicant had failed to demonstrate that there are exceptional circumstances to deviate from the current Licensing vehicle age limit policy.
90/13	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and

proper person to hold a licence in the light of (a) his offences and convictions and (b) the responses provided to the questions raised.

91/13 Application for a new
Hackney Carriage and
Private Hire Driver's
Licence

(a) Defer consideration of the application (i) on the grounds that the applicant failed to attend the hearing and (ii) pending the outcome of enquiries of Rotherham Metropolitan Borough Council made by the Licensing Section and (b) the applicant be requested to attend a meeting of the Sub-Committee due to be held on 2nd December, 2013.



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 12th December 2013

Subject: Private Hire and Hackney Carriage Licensing

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

Summary: Report – Driver Renewal and New Applicants
Criminal Records Checking

Category of Report: OPEN

Report of the Chief Licensing Officer and Head of Licensing to the Licensing Committee on 12th December 2013

Driver and Applicant – Criminal Records Checking

1. Purpose

- 1.1 To inform the Licensing Committee of the Council's changes to the Disclosure and Barring Service – Certification and how that will affect Taxi and Private Hire licensing.

2. Reason for referral

- 2.1 Sheffield City Council, through human resources and schools currently has a licence as a registered body with the Disclosure and Barring Service.
- 2.2 From April 2014 the Council will no longer hold a licence and will not have registered body status.
- 2.3 This paper is to set out what changes this will have on the way we carry out background checks on current drivers and new applicants and giving options available to the service.

3. Background

- 3.1 As a registered body the Council has a number of areas that have persons responsible for signing applications. These are sent to the Disclosure and Barring Service. These persons are known as counter signatories. Licensing we have 2 counter signatories.
- 3.2 Discussions have taken place within Sheffield City Council through HR the Schools service and other user about the service and costs. Most services have now decided to use capita for all their applications to the DBS. The Licensing service is now the only service which remains under the City Councils licence.
- 3.3 The Licensing service does not undertake enough checks per year to apply to be a registered body on its own. So we have no choice currently but to change the way that we run checks on applicants.

4. Options DBS Checks - The New Systems

- 4.1 There are two options open to the Licensing Service if they move over to Capita systems.
- 4.2 The Systems are both classed as Ebulk systems and all are based on an online only application process and service.
- 4.3 There will not be a paper based service available from the date of inception of one of the new procedures.

5 Option 1 – Move to Ebulk Only

- 5.1 This would mean that the licensing service retain the responsibility for completion of DBS and ID checking but Capita HR Connect would complete the counter signatory, checking and correct submission role.

The licensing service would still have their per application cost which is a charge set by DBS and currently stands at £44 each, this is paid currently by the applicant

Capita HR Connect have stated that there would be an additional cost levied at £4 per application this would be charged to the Licensing Service.

5.2 Option 1 Processes

- 5.3 Applicants would make an online DBS application.
- 5.4 Applicants would attend the licensing service, with all relevant documents and the £44 fee. The Documents would be checked.
- 5.5 Licensing Officer would go online and progress the application to counter signatory stage.
- 5.6 Capita HR Connect would check details online and counter sign the application.
- 5.7 If there is information on the certificate then the applicant would receive their certificate to their home address and would have to present that certificate to the licensing service to progress their application.
- 5.8 If the check is a clear with no convictions or information on the certificate then this can be checked on line by the Licensing Service and the application can be progressed at that stage.

6 Option 2 – Full Service Provision

- 6.1 Capita HR Connect fully managed DBS processing service – this would effectively take the process away from Licensing completely.
- 6.2 Capita HR Connect would confirm renewal requirements; arrange appointments at offices away from the licensing service currently Derwent House. They would complete the ID verification exercises, submit/countersign/check DBS and confirm outcomes.
- 6.3 The Licensing service would still have the per application cost which is a charge set by DBS and currently stands at £44 each application. There is an additional levy to licensing on this service of £6.10 per application.
- ### **6.4 Option 2 Processes**
- 6.5 Applicants would attend a Capita Office to make the application. Document checks would be done at this time and capita would follow the whole process.
- 6.6 Once the applicant received their certificate, they would then make their application to the licensing service for their licence.

7 Other Options.

7.1 There are a couple of more drastic options available to the committee in these procedures. These options would mean moving away from best practice and the majority of all guidelines of taxi and private hire driver licensing.

8. Option 3

8.1 The Council could refrain from checking applicants to an enhanced level of check, and they could then ask the drivers to source and apply for their own check. This is currently the system used for Personal Licenses issued under the Licensing Act 2003; applicants apply to disclosure Scotland for these checks.

9. Option 4

9.1 The Council could refrain from checking the background of applicants at all. There is no legal requirement on the Council to check criminal history of an applicant.

10. The Legal Situation

10.1 There is no legal requirement for a Council to ask for a background check when issuing a private hire or hackney carriages drivers licence.

10.2 The only legal requirement for an Authority is that they; in respect of private hire drivers, is covered in Local Government (Miscellaneous Provisions) Act 1976 section 51. Hackney Carriage Drivers are covered under Section 59 which both state;-

Shall not grant a licence -

“unless they are satisfied that they are fit and proper to hold such a drivers licence” or

“ to any person who has for at least twelve months been authorised to drive a motor car, or is not at the date of application for a drivers licence so authorised”

10.3 As part of the application procedure Local Authorities have the power to require applicants to submit information under Local Government (Miscellaneous Provisions) Act 1976 section 57.

This is the section that allows the council currently to ask for background information on applicants.

10.4 Government guidelines on best practice have suggested that in this area regular enhanced checks would be considered reasonable. Checks made every three years seemed to be what the majority of Councils currently undertake.

11. Financial Implications

11.1 There are financial implications to the Council on any changes to process if either option 1 or 2 are introduced.

- 11.2 Current costs of applications are £44 this fee is set by the Disclosure and Barring Service and the Council has no control on when how much prices increases occur. Currently all of the cost is borne by the applicant.
- 11.3 As stated above option 1 would increase the amount paid by the Licensing Service by £4 per application (currently) this again is not a council cost and we may have little or no control over price increases in the future.
- 11.4 Option 2 would increase the amount paid by the Licensing Service by £6.10 per application (currently) this again is not a council cost and we may have little or no control over price increases in the future.
- 11.5 Both options based on this year's figures of 905 applications made (Jan – Oct) the financial burden on the licensing service would be £3620.00 on option 1 and £5520.10 on option 2. Currently if the procedure changes the extra expense of the system changes will be borne by the current licensing budget out of current fee's charged.
- 11.6 The overall figures for this year are slightly higher than normal as it has been three years since we introduced the 3 year checks for applicants which mean the next 18 months there will be a significant peak in the numbers.
- 11.7 There would be a financial commitment on the Licensing Service to provide computer terminals within the reception area of the licensing service to allow applicants access to the online service.

The costs of these terminals are not known at this time.

12. **Options**

- 12.1 Option 1 as detailed in section 5.
- 12.2 Option 2 as detailed in section 6.
- 12.3 Options 3 - Withdraw the need for an enhanced check and asking the applicants to provide their own check, as detailed in section 7.
- 12.4 Option 4 - Change the applicant checking procedure, withdrawing the background check on an applicant's history, as detailed in section 8.

13. **Officer Recommendations**

- 13.1 Officers do not usually make recommendations on Policy reports. On this occasion it is the recommendation of the Officers that if we have to change the system then option 1 of the choices is the one that officers see would have the least disruption and be the easier of two options to implement and manage.
- 13.2 Officers would not recommend that the Council consider option 4.

Stephen Lonnia
Chief Licensing Officer and Head of Licensing
Dec 2013

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SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 12th December 2013

Subject: Private Hire and Hackney Carriage Licensing

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

Summary: Report – Review of frequency of Mechanical
Compliance testing of licensed vehicles

Category of Report: OPEN

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 At its meeting of the 22nd September 2011 the Committee decided to increase the age at which a licensed vehicle is required to undertake a further test within the year of licence to 2 tests per year.

2.2 This affected hackney carriage vehicles which moved from 8 years to 9 years, and private hire vehicles that moved from 5 years to 6 years.

2.3 The Licensing Committee reviewed this Policy in October 2012, and asked for a report within the year to consider the current policy.

3.0 The current position

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

3.2 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.

3.3 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.

3.4 All vehicles are tested to the Sheffield City Council's compliance testing schedule a copy of which will be available at the meeting if required. This is above the standard of an MOT.

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. Tests over 3 times charged to the council not licensees.

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.

5 Findings

- 5.1 In the year November 2012, to October 2013, 1335 test were carried out with 578 failures and 130 suspensions. A copy of the findings and figures are attached at appendix 1.
- 5.2 A vehicle may fail the council compliance test, with faults that would not affect the issuing of an VOSA MOT Certificate. Vehicles will fail on faults where it would not affect the operation of the vehicle and the vehicle would pass an VOSA MOT
- 5.3 Suspension notices can only be issued to currently licensed vehicles. Result show that around 10 vehicles of both types are suspended at test per month. This equates to around 10% of hackney vehicles and 5% of private hire vehicles are suspended at test.
- 5.4 Suspension with immediate effect is issued under section 68 Local Government (Miscellaneous Provisions) Act 1976.

This states that the person (tester/ inspecting officer) can suspend the licence if they are not satisfied as to the fitness of the vehicle or any taximeter (where fitted) and suspend the licence until the vehicle is deemed fit (repaired) and presented again at a test or inspection. This has to be within 2 months of the date of the issue of the notice or the said licence is deemed revoked.

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 November 2013.

Type of vehicle	Numbers licensed	Average age over all	Aged 0 – 5	6 – 10	Over 10
Hackney	847	9.5	112	431	304
Private hire	1394	5.3	862	531	0

- 6.2 The majority of hackney carriages will have to under take two tests per year, within the next year.
- 6.3 The majority of private hire vehicles have only one test per year currently.
- 6.4 The numbers show a small rise of the average age of vehicles. In respect of Hackney carriage there is a rise in the over 6 year old and over 10 year old figures. This year's hackney figures show only 847 licensed vehicles at the time of the report. This is because 10 vehicles were either waiting to be renewed or are off the road at present for a number of reasons.
- 6.5 Average Age Figures at September 2012.

Type of vehicle	Numbers licensed	Average age over all	Aged 0 – 5	6 – 10	Over 10
Hackney	857	8.9	182	399	275
Private hire	1369	5.3	947	422	0

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 Options

8.1 The Committee have many options they could introduce within the Vehicle testing Policy. The current policy is;

Hackney carriages 1 test per year until 9th year then 2 tests per year 6 months apart.

Private Hire vehicles 1 test per year until 6th year then 2 tests per year.

8.2 The Committee can make any changes it wishes to the policy within the constraints of the legislation. The options below are just some examples.

8.3 Option 1. Leave the current policy in place, making no alterations to the frequency of testing of licensed vehicles of any licence.

8.4 Option 2. Change the number of test required by the Council for licensed vehicles from the current system of testing requiring vehicles to be tested less. All vehicles to be tested just once per year in the month prior to the expiry date of the vehicle licence.

8.5 Option 3. Change the number of test required by the Council for hackney carriage vehicles from the current system of testing requiring vehicles to be tested twice a year at a lower age than currently tested.

Hackney Carriages to be tested twice a year when the vehicle reaches 6 years of age, bringing this in line with Private Hire vehicles.

8.6 Option 4. Change the number of test required by the Council for hackney carriage vehicles from the current system of testing requiring vehicles to be tested twice a year at a lower age than currently tested.

Hackney Carriages to be tested twice a year when the vehicle reaches 8 years of age. Which is reverting back to the original testing policy prior to the September 2011

8.7 Option 5. Change the number of test required by the Council for private hire vehicles from the current system of testing requiring vehicles to be tested twice a year at a lower age than currently tested.

Private hire vehicles to be tested twice per year when the vehicle reaches 5 years of age. Which is reverting back to the original testing policy prior to the September 2011.

8.8 Option 6. Change the testing requirements of the Council for all licensed vehicles to be tested twice per year whatever the age of the vehicle, at six monthly intervals.

8.9 Option 7. Change the testing requirements of the Council for all licensed vehicles to be tested twice per year whatever the age of the vehicle, at six monthly intervals, up to the vehicles being a certain age and then after that age require vehicles to be tested three times a year.

8.10 Option 8. Change the testing requirements of the Council for all licensed vehicles to be tested to the maximum allowed three tests per year at four monthly intervals.

9.0 **Recommendations**

9.1 Officers recommend that the Committee considers the report all its options including the eight options stated in section 9 and further considers information and representations made on the day.

December 2013

Stephen Lonnia
Chief Licensing Officer
Head of Licensing

APPENDIX A

HACKNEY CARRIAGE VEHICLE TESTING RESULTS
OCTOBER 12 – NOVEMBER- 13

MONTH	No of tests	Intermediate test	none result	PASS	FAIL	Sus	% fail
Nov-12	142	26	5	62	71	4	52
Dec-12	89	18	1	42	41	5	48
Jan-13	102	15	2	43	46	11	49
Feb-13	130	13	8	42	65	15	65
Mar-13	126	49	5	44	70	7	61
Apr-13	189	70	23	107	41	18	32
May-13	136	33	7	97	27	5	24
Jun-13	126	17	2	78	37	9	36
Jul-13	133	25	4	74	44	11	41
Aug-13	162	43	5	94	41	22	39
Sep-13	165	24	5	102	49	9	35
Oct-13	168	35	6	102	46	14	36
TOTALS	1335	368	73	887	578	130	
				PASS	FAIL	SUSP	%fails

PRIVATE HIRE VEHICLE TESTING RESULTS
OCTOBER 12 – NOVEMBER- 13

MONTH	No	Intermediate test	none result	PASS	FAIL	SUSPENDED	% fails
Nov-12	154	26	9	97	45	3	29
Dec-12	139	20	8	77	40	14	30
Jan-13	155	14	13	77	59	6	39
Feb-13	205	22	10	114	73	8	40
Mar-13	160	38	5	80	67	8	47
Apr-13	225	52	12	162	35	16	23
May-13	172	21	9	134	22	7	18
Jun-13	162	25	1	118	39	4	26
Jul-13	180	18	3	127	36	14	28
Aug-13	181	43	4	128	38	11	27
Sep-13	194	40	5	147	36	6	22
Oct-13	226	42	9	160	45	12	25
TOTALS	2153	361	88	1421	535	109	