

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 20 February 2014

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

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 Councillors Nikki Bond and Jillian Creasy declared an interest in Item 5 – Street Trading – Policy Amendment, as they both had worked closely with local constituents who work as street traders, and left the meeting before the consideration of that item.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of the Licensing Committee held on 12th December, 2013 and the Licensing Sub-Committee held on 9th, 10th, 16th, 17th, 19th and 23rd December, 2013 and 2nd January, 2014 were approved as correct records.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - POLICY AMENDMENTS CONSULTATION

5.1 The Chief Licensing Officer submitted a report informing Members of the results of a consultation process recently undertaken in relation to mobile street trading which sits within the Street Trading Policy and seeking approval from the Committee on the proposed amendments and to update the policy to reflect the changes. The consultation letter issued to interested parties was attached at Appendix A to the report and responses from the consultees were attached at Appendix B.

5.2 In attendance for this item were Shimla Finch, Principal Licensing Officer, Mr. J. McNeil, Mr. P. Chafer and Mr. S. Ali (Street Traders).

5.3 Shimla Finch presented the report and stated that after the introduction of the Street Trading Policy in October, 2012, a number of concerns from local shopkeepers and mobile street traders had been received regarding the restrictions and/or conditions which had been placed on existing consents and the

impact from those that trade illegally or were in breach of their conditions.

- 5.4 Shimla Finch stated that a petition had been received asking the Council to relax the conditions imposed by the Policy and she said it was proposed to split the traders into two clear, distinct categories; one was for the sale of fruit and vegetables only and the other category was for the sale of ice cream and other proposed changes were listed in paragraph 3.1 of the report.
- 5.5 In response to questions from the street traders and Members, she stated that the proposals were not intended to be restrictive as there were alternative types of street trading consents that traders could apply for. She added that it was the aim of the Licensing Service to identify an effective system which would work throughout the City and that, if any further complaints were received, the Policy would be reviewed again.
- 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 the various aspects of the report.
- 5.8 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.9 RESOLVED: That, following consideration of the report, approval be given to the amendments to the Street Trading Policy as outlined in the report.

6. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - DRIVERS'/APPLICANTS' MEDICAL REFERRALS POLICY

- 6.1 The Chief Licensing Officer submitted a report reviewing the current policy on the arrangements made for the frequency and standards of medicals for new applicants and current licensed drivers and on the arrangements for conducting driver medicals in the future.
- 6.2 In attendance for this item were Clive Stephenson, Principal Licensing Officer and Peter Davies, Aftab Ahmed and M. Yasin (GMB Trade Union Representatives), Hafeas Rehman, Z. Ahmed and M. Nisar (Sheffield Taxi Trade Association).
- 6.3 Clive Stephenson presented the report and outlined the current situation relating to the carrying out and frequency of medicals for drivers. He said that the current policy had been in place for five years, so it was now up for review.
- 6.4 Peter Davies referred to the comments made by Dr. Gill as set out in Appendix 3 of the report and expressed his disappointment that Dr. Gill had not attended the meeting as he would have liked to have had an opportunity to discuss with him his comments. Peter Davies added that he had carried out a survey amongst

members of the Trade Union and the outcome had been that there was a strong feeling that the current system is adequate and any change will place another financial burden on them.

- 6.5 Hafeas Rehman stated that he was not aware of any taxi drivers being taken ill whilst driving and that the issue was all about cost to the drivers and the financial gain to GPs. Hafeas Rehman believed that generally taxi drivers are much healthier these days and that perhaps a health awareness campaign might be helpful.
- 6.6 In response to questions from Members, Clive Stephenson stated that when a driver is taken ill, the only information received by the Licensing Service is whether the driver is “fit for work” or “not fit for work”, because, due to patient confidentiality, no details of the illness can be passed on. He added that in his experience, only a small number of drivers had been found unfit for work and medical histories are kept on record. Clive Stephenson went on to add that the age group of drivers was dropping. A few years ago, the average age group was around 40 plus, now drivers tends to be in their 20’s.
- 6.7 In response to further questions, Clive Stephenson stated that the Council have a list of doctors who conduct medicals to Group II DVLA standards. The DVLA document contains 40 pages and checks are carried out to vision, diabetes, blood pressure, heart disease etc. He added that during the past 20 years, only five drivers at the age of 45 or over had been suspended from driving following a referral from a doctor. He further added that medical examinations could not be carried out “in-house” as they had to be conducted by a fully qualified doctor.
- 6.8 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.
- 6.9 The Solicitor to the Committee reported orally giving legal advice on various aspects of the report.
- 6.10 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.11 RESOLVED: That, following consideration of the report now submitted, the Committee:-
- (a) agreed to introduce the following new measures:-
- (i) due to the fact that all new applicants have to pass a medical before being granted a licence, on renewal of their licence, the drivers be requested to fill out a health declaration form which states that as far as they are aware, they are medically fit to drive;
 - (ii) that if a driver falls ill, it will be the responsibility of the driver to

inform the Licensing Service, within 14 days, of the illness; and

(b) requested officers to carry out a more detailed consultation on this matter with other Local Authorities and submit their findings to a meeting of this Committee in six months' time.

7. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - IMAGE RECORDING EQUIPMENT (CCTV) IN LICENSED VEHICLES

- 7.1 The Chief Licensing Officer submitted a report providing details of the results of the recent consultation which had been carried out, as requested at the meeting of the Committee in May 2013, with regard to a mandatory CCTV in licensed vehicles Policy.
- 7.2 In attendance for this item were Clive Stephenson, Principal Licensing Officer and Peter Davies, Aftab Ahmed and M. Yasin (GMB Trade Union Representatives), Hafeas Rehman, Z. Ahmed and M. Nisar (Sheffield Taxi Trade Association).
- 7.3 Clive Stephenson presented the report and stated that many consultation meetings had been held throughout last year and that the consultation was now complete.
- 7.4 Members from the Trade Union and Taxi Trade Association made it clear that they were set against this policy as they feel it would be intrusive on their private lives and that tracking systems are in place so that both drivers and customers are safe.
- 7.5 In response to questions, Clive Stephenson stated that following reported incidents, CCTV would not have been of any benefit at all and there is a very good procedure in place should there be any cause for complaint. He added that there is currently a Bill going through Parliament asking for the implementation of a mandatory condition that all licensed private hire vehicles and hackney carriages are fitted with CCTV and if the Bill becomes legislation, the Local Authority would have to implement it.
- 7.6 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.
- 7.7 The Solicitor to the Committee reported orally, giving legal advice on various aspects of the report.
- 7.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 7.9 RESOLVED: That, following consideration of the report now submitted, the Committee agrees that the current voluntary policy relating to image recording equipment (CCTV) in licensed vehicles is satisfactory and therefore agrees to

make no changes to that policy.