

Licensing Committee

Thursday 20 February 2014 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
20 FEBRUARY 2014**

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:-

9 December 2013
10 December 2013
12 December 2013
16 December 2013
17 December 2013
19 December 2013
23 December 2013
2 January 2014
- 6. Local Government (Miscellaneous Provisions) Act 1982 - Street Trading - Policy Amendments Consultation**
Report of the Chief Licensing Officer
- 7. Private Hire and Hackney Carriage Licensing - Drivers'/Applicants' Medical Referrals Policy**
Report of the Chief Licensing Officer
- 8. Private Hire and Hackney Carriage Licensing - Image Recording Equipment (CCTV) in 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 9 December 2013

PRESENT: Councillors Clive Skelton (Chair), Nikki Bond and Jillian Creasy

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Adam Hurst 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. 102/13 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 103/13 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 104/13 attended the hearing and 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>
102/13	Application for a new 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 his offences and convictions now reported.
103/13	Review of a Hackney	In the light of the information contained in

	Carriage and Private Hire Driver's Licence	the report and the responses to questions provided by the licence holder, (a) suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 until the licence holder successfully completes the Council's driving assessment test; and (b) officers be authorised to immediately suspend the licence if any further problems are reported, and then refer the licence back to the Sub-Committee for review.
104/13	Review of a Hackney Carriage and Private Hire Driver's Licence.	Due to the information contained in the report and the responses to questions provided by the licence holder, no further action be taken in relation to the driver's licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 December 2013

PRESENT: Councillors Clive Skelton (Chair), Adam Hurst and Denise Reaney

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

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. LICENSING ACT 2003 - VIPER ROOMS, 35 CARVER STREET, SHEFFIELD, S1 4FS

4.1 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 Viper Rooms, 35 Carver Street, Sheffield, S1 4FS.

4.2 Present at the meeting were Paddy Whur (Solicitor, for the applicant), Ian Harries (Area Manager, Viper Rooms), David Burgess (Designated Premises Supervisor, Viper Rooms), Councillor Rob Murphy (Objectors), John Buston (Objector), Matt Proctor (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Kavita Ladva outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from 14 local residents, which included a petition containing 13 signatures, and were attached at Appendix 'D' to the report and that the representations submitted by the Environmental Protection Service had been withdrawn following the acceptance of a number of suggested conditions by the applicant. Two members of the public attended the hearing to put forward their representations, one of whom was the organiser of the petition.

4.5 Councillor Murphy stated that the premises were close to approximately 100 residential properties in the City Centre, including the Housing Association flats at Cambridge Street, which were only around 25 yards away, and the residential apartment blocks at Morton Works and West Point on West Street, approximately 100 yards away. He expressed concern at the fact that residents living in this area already experience problems with regard to noise nuisance and anti-social

behaviour from a number of nearby licensed premises, such as Crystal, Walkabout and Reflex/Flares. He believed that none of these premises opened later than 4.00 am at weekends, which gave residents the chance to get few hours' unbroken sleep, but if the application to extend the opening hours of the Viper Rooms was granted, this could potentially result in some residents not being able to get any sleep at all. Even if the music at the premises was contained, the residents would still suffer noise nuisance from customers arriving at and leaving the premises in the late hours of the morning, as well as the noise from taxis.

- 4.6 In response to a question from a Member of the Sub-Committee, Matt Proctor confirmed that there was a taxi rank on Carver Street, directly opposite the premises. Mr Murphy stated that whilst this would obviously help in terms of the dispersal of customers from the premises, there would also be an element of noise caused by taxi movements and doors slamming in the late hours of the morning.
- 4.7 John Buston, the organiser of the petition which had been submitted in objection to the application, referred to the concerns of a number of residents of Cambridge Court, and which referred to problems of noise nuisance on Carver Street, and people urinating and being sick outside the flats and in the entrance area to the flats. Mr Buston expressed his own concerns, regarding the increase in noise and anti-social behaviour in the City Centre area. He referred to problems of rowdy and drunken behaviour, increased noise levels due to taxi movements, problems of rubbish from fast food takeaways on the streets and problems of vandalism, specifically broken windows to a number of shops in the surrounding area. He stated that the problems appeared to get worse when the students were around and that if the opening hours were extended, this would result in customers leaving the premises even later, thereby creating disturbance for local residents later into the morning.
- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Buston stated that whilst he could not provide any direct evidence to show that it was customers from the premises that were creating the disturbance, he was aware that customers were leaving the premises in the early hours of the morning to go to other venues, such as the Leadmill, which stayed open later, creating noise and other disturbance which was having an adverse effect on local residents. He confirmed that he had not contacted the Police to complain about the problems as he believed that by the time the Police arrived, the people causing the disturbance would more than likely have moved on, and there would be no evidence for the Police to act on. Mr Buston accepted, following advice from a Member of the Committee, that it would help his cause if he rang the '101' number as the Police would then be able to create a log of any incidents and, if the problems were particularly bad, they would be able to concentrate their resources in that area.
- 4.9 Paddy Whur stated that the applicants had purchased the premises in September 2011, and had invested a considerable amount of money in upgrading the premises, which were in a poor condition at the time. He stated that the application only referred to the basement of the premises, which had a capacity of 300. It was accepted that there had been problems in the past when customers queued at both the front and rear of the premises, but adaptations had been made to secure the

rear of the premises, resulting in there now only being one point of access and egress. Mr Whur confirmed that following negotiations with the Environmental Protection Service, the applicants had agreed to amend the application, as detailed in Appendix 'C' to the report. The applicants had made a similar application in April 2012, but as the premises had only recently opened at that time, it had been suggested that there was a need for a probationary period in order to review the operation of the premises. The applicants had made nine applications for Temporary Events Notices (TENs) during 2013, which had not resulted in any problems or any concerns being raised by any of the responsible authorities, including any issues of crime or disorder from the Police. Mr Whur gave his assurances, on behalf of the applicants, that the measures taken to deal with any potential problems of noise emanation, as set out in Condition 2 of Annexe 2 – Conditions consistent with the operating schedule, would adhere with the licensing objectives. The applicants had requested that the time in respect of the last admission be extended from 03:00 hours to 04:00 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays. In terms of the objections raised by members of the public, Mr Whur stated that only 14 objections had been received from hundreds of residents living in the surrounding area and that the objectors present at the hearing had only provided hearsay evidence in terms of the likely adverse effects if the opening hours were to be extended. In addition to this, the objectors were not able to prove that any disturbances or incidents of anti-social behaviour were directly attributed to the premises. After the hearing in April 2012, the applicants had offered to meet with Mr Buston, in order to discuss any concerns, but had received no response to the invite. No objections or complaints had been received in terms of the operation of the premises since that time, including the events held under the TENs. The staff at the premises worked very hard to ensure that customers were dispersed from the premises as quickly and quietly as possible, in order to minimise any disruption to local residents. It was envisaged that extending the last admission time at weekends would not have a major effect on noise problems in the City Centre. Mr Whur concluded by referring to the Secretary of State's guidance, which referred to the fact that individuals were accountable for incidents of anti-social behaviour, and not the licensed premises.

- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee and the objectors, Mr Whur stated that if customers were struggling from the effects of alcohol, particularly in the period just prior to closing time, they would be offered a hot or cold soft drink, as well as something to eat before they left the premises. The outdoor smoking area was supervised by stewards, who had the relevant expertise and knowledge in managing such areas. The events held as part of the TENs had been held on Thursdays, Fridays, Saturdays and Sundays prior to a Bank Holiday Monday, and the premises had been open until 06:00 hours. As part of the existing conditions, each entrance to the premises was monitored by at least one member of door staff from 21:00 hours on any day the premises remained open after 01:00 hours. Additional stewards would also be responsible for monitoring the outside smoking area and both the internal and external areas of the premises. It was hoped and expected that, if the opening hours were extended in line with the current application, customers would remain in the premises up to closing time. It was important for the viability of the premises that large numbers of people remained in the venue, particularly when there were special events organised by external promoters. The improvements made at the

premises, which had resulted in a reduction of complaints specific to the premises, included securing the former entrance at the rear and, in terms of operational improvements, staff had been reminded of their duties, and had received training in connection with the general operation of the premises, including its dispersal procedures. Mr Whur stated that it was not likely that there would be queues of people waiting to enter the premises at 04:00 hours as the majority of customers would already be in the premises, particularly at the big events. It had been decided that the application in terms of the extension of the opening hours would only relate to the basement area of the premises as opening the whole of the premises until 06:00 hours as this was considered too much as it would involve a capacity of 650 people and would cause particular problems in terms of dispersal at closing time. In terms of the extension of the last admission time on Thursday, Friday and Saturday, it was expected that staff would be able to manage the premises adequately in this respect.

- 4.11 Paddy Whur summarised the case on behalf of the applicants.
- 4.12 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.
- 4.13 Kavita Ladva reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That the Sub-Committee agrees to grant a variation to the premises licence in respect of the Viper Rooms, 35 Carver Street, Sheffield, S1 4FS, in the terms requested and subject to:-
- (a) the conditions agreed between the applicants and the Environmental Protection Service, as detailed in the report; and
 - (b) the amendments to Annexe 3 – Conditions attached after a hearing by the Licensing Authority, as follows:-
 - (i) Condition 17 – Each entrance to the premises will be monitored by at least one member of door staff from 21:00 hours on any day the premises remains open after 01:00 hours and be needs assessed on an event by event basis; and
 - (ii) Condition 18 – No entry to the premises after 04:00 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holidays.

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

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 12 December 2013

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

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Jenny Armstrong, David Barker and Jillian Creasy.

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 14th, 15th, 21st and 28th October and 4th November, 2013 were approved as correct records.

5. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - DRIVER RENEWAL AND NEW APPLICANTS' CRIMINAL RECORDS CHECKING

5.1 The Committee received a report of the Chief Licensing Officer informing Members of the City Council's forthcoming administrative changes to the Disclosure and Barring Service – Certification and how these changes will affect Hackney Carriage and Private Hire Licensing.

5.2 In attendance were Clive Stephenson, Principal Licensing Officer; Peter Davies, GMB; Aftab Ahmed GMB; Neil Lifford, Tradex Insurers; Jonathan Eales, Mercury Taxis; and Marie-Claire Frankie, Solicitor to the Committee.

5.3 Clive Stephenson outlined the details set out in the report and stated that as from April, 2014, the Council will no longer hold a licence as a registered body with the Disclosure and Barring Service (DBS). He stated that this had arisen due to the fact that the Schools and Human Resources Services were no longer willing to pay the £5,000 per annum registration fee. He added that these services have decided to use the online service provided by Capita for all applications to the DBS and that the Licensing Service do not carry out enough checks per year to apply to be a registered body and pay the registration fee.

- 5.4 Clive Stephenson referred in particular to the two options open to the Licensing Service if the process was to move over to the Capita online systems. He said that each application would cost £44 (charged by the DBS and which was currently paid by the licence applicant), plus an extra levy by Capita of either £4 or £6.10 depending on the option used, but that the Licensing Service would fund the costs of the extra levy from the current licensing budget.
- 5.5 In response to questions from Members of the Committee, Clive Stephenson said that the Licensing Service did have the capacity to continue to carry out the DBS checks in the Licensing Reception area and would be able to guide applicants through the online system, and by doing so, were able to have a direct link with the drivers and would know instantly if the checks were clear and not cause any delays in issuing licences. One of the main concerns raised was that the applicant themselves, rather than the Service, would be notified if there was information on their certificate, although in these cases the applicant would have to present that certificate to the licensing service in order to progress their application.
- 5.6 Clive Stephenson also stated that he had made enquiries of other Licensing Services and some were hoping to “piggy back” onto other services, and others were using the service to be provided by Capita, as Capita hold a licence to carry out the checks for the whole of the UK.
- 5.7 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.
- 5.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the report.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That the Committee, although of the opinion that Option 1 as set out in the report now submitted would be the most suitable way forward, requests the Chief Licensing Officer to carry out further investigations of other service providers and in particular, the other South Yorkshire Local Authorities, to (a) explore the potential for Sheffield Licensing Service to act as lead authority for the South Yorkshire Licensing Services and (b) identify a cheaper service than the service offered by Capita, and report back thereon to the Committee at its meeting to be held in February, 2014.
- 6. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - REVIEW OF FREQUENCY OF MECHANICAL COMPLIANCE TESTING OF LICENSED VEHICLES**
- 6.1 The Chief Licensing Officer submitted a report reviewing the current policy which determines the number of times a licensed vehicle is required to be tested at the

expense of the licensee.

- 6.2 Clive Stephenson, Principal Licensing Officer, presented the report and stated that this was an annual review to look at the testing procedures and to consider the options open to the Committee.
- 6.3 Members of the Committee and Trade Association representatives made a number of enquiries regarding the report, which mainly sought clarity regarding the findings of tests carried out during November, 2012 and October 2013, and the figures shown in Appendix 1 outlining pass/fail/suspension results.
- 6.4 Clive Stephenson presented a booklet that was available to drivers and garages and shows what is required of vehicles when presented for testing. He stated that Sheffield has a very high standard when testing vehicles and that some other Authorities have adopted Sheffield's standards. He added that drivers are given plenty of notice that their vehicles are due for testing and if they should fail, re-tests are held as quickly as possible, usually on Thursdays. However the Licensing Service was looking at ways of improving the system and getting re-tests done quicker.
- 6.5 Members also asked why hackney carriage vehicles were more likely to fail than private hire vehicles, to which Clive Stephenson informed them that there were more things to go wrong on hackney carriages i.e. disabled access, meters, etc. Clive Stephenson added that if a vehicle fails on a regular basis, then its licence is referred for consideration by the Licensing Sub-Committee.
- 6.6 Clive Stephenson stated that private hire vehicles can only be licensed for up to nine years, due to the amount of mileage usually undertaken, which was generally between 30,000 and 40,000 per annum, but added that the majority of the City's hackney carriage and private hire vehicles were very well maintained.
- 6.7 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.
- 6.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the report.
- 6.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.10 RESOLVED: That, following consideration of the report now submitted, the Committee agrees to leave the current policy in place, making no alterations to the frequency of testing of licensed vehicles of both licence types.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 December 2013

PRESENT: Councillors Clive Skelton (Chair), Jillian Creasy and George Lindars-Hammond

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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 two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 105/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 106/13 attended the hearing with a representative and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
105/13	Application for a Private Hire and Hackney Carriage Driver's Licence	Defer consideration of the application and request that the applicant provides a full written report from his GP on his present medical condition, and confirming that he meets the requirements of the DVLA Guide to the current Medical Standards Fitness to Drive 2013 and, if there are no concerns regarding his fitness, authority be given to issue a licence; if there are still concerns, the application be referred back to this Sub-

Committee.

106/13	Application for a Hackney Carriage Vehicle Licence	Agree to deviate from the current policy and issue a licence for the normal term of 12 months in the light of the applicant's previously unblemished record and the Sub-Committee's acceptance that the failure to licence the vehicle was a genuine mistake.
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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 December 2013

PRESENT: Councillors Clive Skelton (Chair), David Barker and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

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. LICENSING ACT 2003 - DRINKS-NOW.COM, UNIT G2, 57 CHIPPINGHOUSE ROAD, SHEFFIELD S8 0ZF

4.1 The Chief Licensing Officer submitted a report to consider an application for a premises licence, made under Section 17 of the Licensing Act 2003, in respect of Drinks-Now.com, Unit G2, 57 Chippinghouse Road, Sheffield S8 0ZF.

4.2 Present at the meeting were Christopher Gascoigne (Applicant), Councillor Rob Murphy, Mr. N. Zaman, M. Zaman, Mrs. R. Calaghan and Mr. S. Calaghan (Objectors), Matt Proctor (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Kavita Ladva outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that five objections (including a petition of 136 signatures) had been received from members of the public and were attached at Appendix B to the report.

4.5 Councillor Clive Skelton, Chair of the Sub-Committee, asked the applicant to clarify the further condition he had put forward for inclusion on the licence should it be granted, as referred to at paragraph 2.3 of the report.

4.6 Nadim Zaman, objector, read from a prepared statement which outlined his main objections to the application. He stated that the premises had been used for a number of different enterprises recently and had all brought their own kind of undesirable visitors to the area. He further stated that the surrounding roads were not suitable for large volumes of traffic, many of them being one-way or with speed restrictions and felt that there would be increased congestion which would cause further annoyance to an area which is generally a peaceful suburb of

Sheffield.

- 4.7 Nadim Zaman felt that an application for the sale of alcohol 24 hours a day, seven days per week will lead to an increase in noise, disturbance and anti-social behaviour, and although such problems already existed in the area, the sale of alcohol could potentially exacerbate the problems even more.
- 4.8 Nadim Zaman went on to add that there is a children's playground in the area and did not feel that this type of business was suitable where many children played. He also felt that this type of property would attract criminal gangs if they were aware that large amounts of alcohol were stored there. Mr. Zaman also drew to the Sub-Committee's attention the fact that there is a Mosque in the area which in itself creates a lot of traffic when children are dropped off and collected from the Mosque.
- 4.9 Members asked Mr. Zaman a number of questions regarding the amount of traffic that may have always travelled along Chippinghouse Road, the nature of other businesses in the Unit and the wording on the petition. It was suggested that the wording on the petition bore no resemblance to the application and asked where the information had come from.
- 4.10 Mrs. Calaghan stated that she had posted the information as she saw it through letterboxes and said that she had not had sight of the application prior to the meeting. She added that her concerns were similar to those already outlined and also for the business to be viable, the applicant would have to trade at unsociable hours and create a nuisance during the night. Mrs. Calaghan also stated that there was a large heavy gate to the premises which tended to make a noise when being closed.
- 4.11 Christopher Gascoigne apologised to the objectors present for not contacting them prior to the meeting and said that he wished to work with the local residents and not create any nuisance. He stated that he had given a lot of thought as to how he could carry on his business and have a minimal impact on the local community.
- 4.12 Christopher Gascoigne addressed the concerns of the objectors and stated that it was his intention to trade online and provide pre-drink and party delivery service. He stated that he is the owner, Designated Premises Supervisor (DPS) and driver for the business. He further stated that all sales will be strictly off the premises, the premises not being open to members of the public, so no anti-social behaviour through alcohol could be attributed to the business. He went on to add that whilst the application is for "24 hours, seven days per week", the premises will be used strictly for storage purposes, he will not be making deliveries any later than 1.00 a.m. Tuesday to Thursday, and 2.00 a.m. on Fridays and Saturdays, and will be closed on Sundays and Mondays.
- 4.13 Christopher Gascoigne said that deliveries coming onto the premises will be during the specified hours of 9.00 a.m. to 5.00 p.m., preferably during the afternoon when all children should be in school and residents at work, which would minimise any traffic congestion. He has agreed that no deliveries will be

made on Fridays, taking into account Friday prayers at the local Mosque. He added that the proposed business is very small with only one vehicle, which will be driven by him. It is intended that his girlfriend will work in the office when she can. If the business grows then he plans to move to larger premises within a more industrial area. Mr. Gascoigne said that the gates to the premises were brand new and he would make every endeavour to minimise the noise when closing them.

- 4.14 In response to questions from Members of the Sub-Committee and objectors, Christopher Gascoigne stated that he would only arrange for deliveries to be made to his premises on the days and times already specified, and that if his stock ran low, he would visit his suppliers rather than arrange another delivery. He added that it was his intention to remain vigilant at all times and not create any public nuisance and to operate a strict Challenge 25 policy.
- 4.15 With regard to security at the premises, Christopher Gascoigne stated that there were two sets of gates, barbed wire around the wall and CCTV to the front and rear of the premises.
- 4.16 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.
- 4.17 Kavita Ladva reported orally, giving legal advice on various aspects of the application.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.19 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a premises licence in respect of Drinks-now.com, Unit G2, 57 Chippinghouse Road, Sheffield S8 0ZF, be granted in the terms requested, subject to the following conditions:-
- (a) that deliveries to the premises be restricted to twice a week between 9.00 a.m. and 5.00 p.m., Mondays to Thursdays;
 - (b) that the premises are not used after 1.00 a.m. Tuesday to Thursday and 2.00 a.m. Fridays and Saturdays;
 - (c) that the premises are closed on Sundays and Mondays; and
 - (d) buffers to be fitted to the outside gates to minimise noise.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 December 2013

PRESENT: Councillors Clive Skelton (Chair), Nikki Bond and Adam Hurst

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor David Barker 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. SCRAP METAL DEALERS ACT 2013 - SITE LICENCE APPLICATION

4.1 The Chief Licensing Officer submitted a report to consider an application for a Scrap Metal Dealers Site Licence made under Section 1(1) of the Scrap Metal Dealers Act 2013 (Case No. 69/13).

4.2 Present at the meeting were the applicant, Andy Ruston (Senior Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The Chair outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that the applicant had been convicted of an offence which was considered to be a relevant conviction under Regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010.

4.5 The applicant addressed the Sub-Committee, providing information in terms of the conviction.

4.6 RESOLVED: That the attendees involved in the application for a Scrap Metal Dealers Site Licence 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.

- 4.7 Louise Slater reported orally, giving legal advice on various aspects of the application.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.9 RESOLVED: That the application for a Scrap Metal Dealers Site Licence be granted in the terms now requested (Case No. 69/13).

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 December 2013

PRESENT: Councillors Clive Skelton (Chair), David Barker and Jillian Creasy

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Roger Davison 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. 107/13 attended the hearing with a colleague and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 108/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 109/13 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>
107/13	Application for a Private Hire and Hackney Carriage 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) the offences and convictions now reported, specifically the short period of time since the last offence and (b) the responses

provided to the questions raised.

108/13	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the information contained in the report and the responses to the questions raised, the licence holder be given a written warning, to remain on his licence for a period of two years.
109/13	Application for the Renewal of a Private Hire Vehicle Licence	Refuse the application to extend the vehicle licence beyond 9 th June 2014, which would require departing from the Council's policy that a licence should not be granted where the vehicle is nine or more years old, as the Sub-Committee is not satisfied that there are exceptional circumstances which merited such a departure.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 January 2014

PRESENT: Councillors Clive Skelton (Chair), Adam Hurst and Cliff Woodcraft

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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. LICENSING ACT 2003 - APPLICATION TO REVIEW A PREMISES LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence.

4.2 Present at the meeting were David Palmer (Trading Standards, Applicant), Gill Sherratt (Licensing Matters, representing the Premises Licence Holder), the Premises Licence Holder, Julie Hague (Sheffield Safeguarding Children Board), Matt Proctor (Senior Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Louise Slater outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from the Sheffield Safeguarding Children Board, and were attached at Appendix 'C' to the report. He also referred to additional papers circulated prior to the meeting, which included information from South Yorkshire Police relating to test purchase operations, and a list of proposed conditions received from Gill Sherratt.

4.5 David Palmer reported on the grounds as to why the application had been made by Sheffield City Council Trading Standards, referring to the receipt of information regarding the sale of counterfeit and illicit alcohol at the premises.

4.6 Julie Hague made representations on behalf of the Sheffield Safeguarding Children

Board.

- 4.7 Gill Sherratt addressed the Sub-Committee, on behalf of the Premises Licence Holder, and she and the Premises Licence Holder responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee, and David Palmer.
- 4.8 RESOLVED: That the 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.
- 4.9 Louise Slater reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.11 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the Sub-Committee agrees to modify the conditions of the premises licence in respect of the premises now reported, as follows:-
- (a) by the addition of the following new conditions:-
- (i) all alcohol will be purchased by (from?) a bona fide wholesaler;
 - (ii) invoices for all alcohol stock purchases will be kept on the premises for a minimum of 12 months. The invoices will detail the products purchased, the date/time and full wholesaler address, and will be made available to the Police and authorised officers of the Council upon request;
 - (iii) a notice will be displayed in the shop window, warning cold callers that alcohol will not be purchased by the store;
 - (iv) all members of management authorised to purchase alcohol will read and sign the internal training document 'The Awareness of Illicit Alcohol'. The training documents will be produced to the Police and authorised officers of the Council upon request;
 - (v) Challenge 21 posters will be displayed in prominent locations around the premises, including the front window or door, where alcohol is displayed, and at the point of sale;
 - (vi) a poster will be on display advising customers of the offence of proxy purchasing and that it is an offence for someone under the age of 18 to purchase or attempt to purchase alcohol;
 - (vii) all staff will be trained in their responsibilities under the Licensing Act 2003 before making sales of alcohol. This will include, as a minimum, the prevention of underage sales, proxy purchasing, sales to drunks and the Challenge 21 policy. All training will be documented and

refreshed every three months and records will be made available to the Police and authorised officers of the Council upon request; and

- (viii) an application will be made by the Premises Licence Holder to become a member of the Sheffield Trading Standards Responsible Retailer Award Scheme; and
- (b) the removal of Condition 3 of Annexe 2 – Conditions consistent with the operating schedule – ‘A Mosquito Device will be fitted and operational’.

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

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SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 20th February 2014

Subject: Local Government (Miscellaneous Provisions Act) 1982
Street Trading - Policy Amendments Consultation.

Author of Report: Shimla Finch – 2037751

Summary: To inform members of the results of a consultation process recently undertaken with mobile street trading which sits within the Street Trading Policy; and seek approval from the Licensing Committee on the amendments and update the policy to reflect these changes.

Recommendations: That Members of the Licensing Committee approve the amendments to the Street Trading Policy with any further amendments they feel necessary.

Background Papers: [Street Trading Policy](#)
Attached to this report

Category of Report: OPEN

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

Ref: 05/14

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1982 STREET TRADING POLICY AMENDMENTS

1.0 PURPOSE OF REPORT

- 1.1 To inform members of the results of a consultation process recently undertaken with mobile street trading which sits within the Street Trading Policy; and seek approval from the Licensing Committee on the amendments and update the policy to reflect these changes.
- 1.2 The current street trading policy can be viewed on the website at the following link: www.sheffield.gov.uk/licensing under the heading street trading.

2.0 BACKGROUND

- 2.1 Sheffield's street trading policy referred to in paragraph 1.2 above was approved by the Licensing Committee on the 24th October 2012.
- 2.2 After the implementation of the approved Policy, the Licensing Authority has listened to concerns of local shop keepers and mobile street traders regarding the restrictions/conditions placed on existing consents, and the impact from those that trade illegally or are in breach of their conditions.
- 2.3 Meetings have taken place to try and find a fair and appropriate resolution for an effective system to work for our City and have proposed the following amendments to ensure a balance.

3.0 PROPOSED CHANGES TO STREET TRADING POLICY

3.1 MOBILE TRADERS

- 3.1.1 For mobile traders to be split into two clear distinct categories:
 - Ice- cream
 - Fruit and Vegetables only
- 3.1.2 No further items can be sold in addition to a fruit and vegetable mobile consent. The trading of any other articles will only be permitted by applying for a static street trading consent.
- 3.1.3 To modify the trading days for mobile fruit and vegetable street traders:

Currently: Monday to Friday
Proposed: Monday to Sunday (7 days a week)

3.2 ICE CREAM MOBILE CONDITIONS

- 3.2.1 Change condition 1 to increase the 15 minute restriction to 20 minutes:

Currently: "Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the same day (site refers to a 50 meter radius)"

Proposed: “Mobile consent holders are not permitted to remain static for more than **20** minutes, and cannot return to the same site within the same day (site refers to a 400 meter radius)”

3.3 MOBILE FRUIT AND VEGETABLE TRADERS CONDITIONS

3.3.1 Change of condition 1 to increase the 15 minute restriction and reduce the 800 meter radius:

Currently: “Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the week (site refers to an 800 meter radius)”

Proposed: “Mobile consent holders are not permitted to remain static for more than **20** minutes, and cannot return to the same site within the week (site refers to a **500** meter radius)”

3.3.2 Change in condition 2 to reduce the 800 meter radius around shops and other traders selling primarily the same goods:

Currently: “Mobile consent holders are not permitted to trade within an 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.”

Proposed: “Mobile consent holders are not permitted to trade within a **500** metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.”

4.0 CONSULTATION

4.1 The Licensing Authority has consulted on changes to the existing policy regarding Mobile Traders, a copy of the consultation letter is attached at Appendix ‘A’.

4.2 Interested parties were requested to make comments by 5pm on the 31st January 2014 providing just over a six week period to respond.

4.3 Appendix ‘B’ of this report summarises the response of consultees, full copies have been sent to members prior to this meeting.

5.0 FINANCIAL IMPLICATIONS

5.1 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.

6.0 RECOMMENDATIONS

6.1 That Members of the Licensing Committee approve the amendment to the Street Trading Policy with any modifications they feel necessary

7.0 OPTIONS OPEN TO THE COMMITTEE

7.1 That Members of the Licensing Committee approve the amendments to the Street Trading Policy.

7.2 That Members of the Licensing Committee make further amendments before approving the amended Street Trading Policy.

7.3 That Members make no changes to the current Street Trading Policy.

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

5th February 2014

APPENDIX 'A'

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
Website: www.sheffield.gov.uk
Date: 17th December 2013



Reference: Lic/243/SF

Dear Sir/Madam

**Local Government (Miscellaneous Provisions) Act 1982
Street Trading – Policy Changes Consultation**

I am writing to consult with you regarding proposed changes to street trading, in particular mobile street traders.

The Licensing Service has listened to the concerns of local shop keepers and mobile traders regarding the restrictions/conditions placed on existing consents, and the impact from those that trade illegally or in breach of their conditions.

Discussions have taken place to try and find a fair and appropriate resolution for an effective system to work for our City.

The Licensing Authority wish to consult on the proposals listed overleaf which will if approved alter the current street trading policy. Your views are important, and I would be grateful if you could take the time to view the proposals and put forward your comments.

The consultation process will commence on the **19th December 2013** and will continue for 6 weeks, with all comments having to be submitted before **5:00pm on Friday 31st January 2014**.

A full copy of the current street trading policy can be viewed on our website at www.sheffield.gov.uk/licensing under the heading of street trading.

You can comment on the consultation by emailing general.licensing@sheffield.gov.uk or by putting your comments in writing to 'Street Trading Consultation', Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD'.

Please note, the condition regarding the requirement of a side hatch on mobile vehicles will come into force from the 1st April 2014 – please ensure your vehicle meets this criteria when applying.

If you have any queries in relation to any of the above please do not hesitate to contact my Licensing Service.

Yours faithfully

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

Steve Lonnia
Chief Licensing Officer (Head of Licensing)

Enquiries to: **Licensing Service on 0114 2037752**
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Local Government (Miscellaneous Provisions) Act 1982

PROPOSED CHANGES TO STREET TRADING POLICY

MOBILE TRADERS

1. For mobile traders to be split into two clear distinct categories:

- **Ice- cream**
- **Fruit and Vegetables only**

No further items can be sold in addition to a fruit and vegetables mobile consent. The trading of any other articles will only be permitted by applying for a static street trading consent.

2. To modify the trading days for mobile fruit and vegetable street traders:

- **Currently:** Monday to Friday
- **Proposed:** **Monday to Sunday (7 days a week)**

ICE CREAM MOBILE CONDITIONS

3. Change condition 1 to increase the 15 minute restriction to 20 minutes:

- **Currently:** “Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the same day (site refers to a 400 meter radius)”
- **Proposed:** “Mobile consent holders are not permitted to remain static for more than **20** minutes, and cannot return to the same site within the same day (site refers to a 400 meter radius)”

MOBILE FRUIT AND VEGETABLE TRADERS CONDITIONS

4. Change of condition 1 to increase the 15 minute restriction and reduce the 800 meter radius:

- **Currently:** “Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the week (site refers to an 800 meter radius)”
- **Proposed:** “Mobile consent holders are not permitted to remain static for more than **20** minutes, and cannot return to the same site within the week (site refers to a **500** meter radius)”

5. Change in condition 2 to reduce the 800 meter radius around shops and other traders selling primarily the same goods:

- **Currently:** “Mobile consent holders are not permitted to trade within an 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.”
- **Proposed:** “Mobile consent holders are not permitted to trade within a **500** metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.”

The consultation will last for 6 weeks (**Closing Date: 5pm 31st January 2014**)

IT IS IMPORTANT THAT WE RECEIVE YOUR VIEWS AND COMMENTS

If you have any queries in relation to any of the above please do not hesitate to contact the Licensing Service on 0114 2037752

APPENDIX 'B'

Consultation Comments Received

No.	Name	Overview of comments	Type of comment	Have comments been included?
1	Mr John McNeil <i>Ice cream street trader</i>	No issues with the Ice Cream Mobile Conditions	General comment	N/A
2	Mr Muhammad Yasin <i>Mobile fruit & Veg street trader</i>	1 Happy with the increased 7 days trading. 2 Does not accept the proposed 20 minutes static time. <i>"At the previous meeting it was put across to 30 min, an hour, and an hour and 30 min I would like you to review this again please."</i>	Policy change Policy change	1. N/a - 7 Days trading is included in the proposed changes. 2. No, 20 minutes should be sufficient time for traders to trade in a mobile environment. Should traders wish to trade for more than this time, alternative consents can be applied for e.g. static consents.
3	Mr John Worrall <i>Proper Pasty Company</i>	3 <i>"I do not accept the proposed 500 meters radius of trading of the same articles. I suggest you go back to the original 100 meters and then take it from there to decide to put it up by 50 meters which will make it to a 150 meters distance from a shop or any were near that sort of distance please do not take away our lively hoods."</i> Objects to the proposals. <i>"it is my belief that the consumer has a right and a choice to purchase their food from a venue of their choice..."</i>	Policy change Objection	3. No, this is a 300 meter reduction to the current 800 meter radius which should give a balance to shop keepers and mobile traders. Full comments sent to Members with a copy of the response from Licensing. The policy proposals do not stop businesses from trading or reduce consumer's right of choice, for

	<i>Mobile Trader</i>		<p><i>“This proposed policy seems to be very broad in its scope and fails to take these important issues into consideration”</i></p> <p><i>“...strongly oppose this broad policy which penalizes those who make the extra effort to serve and raise standards in Mobile Trading”</i></p>		traders it will mean alternative authorisations will be required, e.g. a static street trading consent instead of a mobile street trading consent.
4	Khawaya Brothers <i>Shop keeper</i>	1	Mobile traders affecting local businesses.	Comments and policy change	1. Restrictions are already in place on how far traders who trade primarily in the same goods can be.
		2	Breaching 15 minute rule and remaining static for 5-6 hours selling dairy items, fish and meat which can be a health hazard.		2. Restricting the type of mobile trading should assist in enforcing this system.
		3	No issues with ice cream vans, others should not be allowed to trade.		3. No – Proposals to restrict the type of mobile trader should be sufficient steps to ensure compliance.
5	Mr Absufian Abdulla <i>Mobile fruit & Veg street trader</i>	1	Objects to all proposals – no further information provided	Objection	1. N/A



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 20th February 2014

Subject: Private Hire and Hackney Carriage Licensing

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

Summary: Report –Drivers/ Applicants Medical Referrals Policy

Category of Report: OPEN

New Applicants and Licensed Drivers Medicals
Private Hire & Hackney Carriage Licensing

1. PURPOSE

- 1.1 To review the current policy on;
- (a) the arrangements made for the frequency and standards of medicals for new applicants and current licensed drivers; and
 - (b) who will conduct Driver Medicals in the future.

2.0 BACKGROUND

- 2.1 The Licensing Committee at its meeting of 3rd of December 2009 expanded the choice of Medical Examiners that it would allow to under take the DVLA Group 2 medical of applicants and current drivers.
- 2.2 At the same meeting the Licensing Committee made no changes to the frequency of medical testing it required drivers to undertake.

3.0 THE LEGAL SITUATION

- 3.1 The Board may determine policies on any area it considers appropriate to do so. The only legal restrictions on setting of policies are that proper consideration be given to all relevant factors. Consideration should not be given to factors which are not relevant to the issue. The Policy must be proportionate and reasonable bearing in mind its aim.
- 3.2 The Local Government (Miscellaneous Provisions) Act 1976 deals with driver suitability. Section 51 relates to Private Hire drivers and Section 59 relates to Hackney Carriage drivers. The wording used in both sections is identical;
- "...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that a person is a fit and proper person..."*
- 3.3 The Council has a duty to grant only if it is satisfied the person is fit and proper and the onus of proving fitness is on the applicant. It is not for the Council to demonstrate that an applicant is not fit and proper.
- 3.4 The duty on the Council is clear – the Licensing Authority must refuse an application for a drivers licence unless the applicant has satisfied it that he/she is fit and proper to hold a licence.

- 3.5 The Licensing Sub Committee current policy requires an applicant to undergo a medical examination to help determine whether someone is fit and proper.
- 3.6 This is in accordance with the Local Government (Miscellaneous Provisions) Act 1976 which provides specific authority for Councils to apply medical standards to applicants and a requirement for applicants to submit to a medical examination.

Section 57(2)(a)(ii) states;

A district council may require an applicant for a drivers licence in respect of a hackney carriage or private hire vehicle to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be a driver.

- 3.7 A policy determined by the Licensing Committee is not immutable. Where an application is received which complies with all the requirements set by the Committee then it can be dealt with by Officers under delegated authority.

Where an application is received that falls outside the requirements in any way the Officers accept the application, but refer that application to the Licensing Sub Committee for determination.

4.0 CURRENT SITUATION / CONDUCTING OF MEDICALS

- 4.1. Medicals are undertaken by Doctors currently listed at Appendix 1 of this report.
- 4.2 The medicals are conducted in accordance with the Group II DVLA guidance.
- 4.3 All Doctors are asked to sign the up to the protocols, copies of which are attached at appendix 2 of this report.
- 4.4 There have been no reported problems from both the Doctors and the licensees with the current procedures since its inception in 2010.
- 4.5 Fees for medicals are paid directly to the Doctor by applicants and licensees.

5 FREQUENCY OF MEDICALS

- 5.1 All new applicants for the grant of a driver's licence (this includes a person who has previously held a licence but who has allowed it to lapse for more than 12 months) are required to under go a medical.
- 5.2 Thereafter unless the Committee determine otherwise a person must undergo a medical examination at the nearest renewal to their 45th, 50th 55th and 60th birthdays and then every three years thereafter.
- 5.3 As indicated above medicals are conducted to Group II DVLA standards.

5.4 The Licensing Authority for Taxi and Private Hire Driver Licensing (the City Council) has the discretion to set the standard for the provision of a medical but that standard must be reasonable, proportionate, consistent and objective bearing in mind the purpose of determining if an applicant is a fit and proper person.

5.5 DFT issue best practice guidance issued in March 2010 to local Licensing Authorities indicated:

“... is its good practice for a medical check to be made on each driver before the initial grant of a licence and thereafter on each renewal...”

Members need to be aware that a licence may be granted for a period of up to three years. Most large local authorities grant licenses for 12 months.

Sheffield grant a licence for 18 months in normal circumstances. New applicants normally receive a 9 then 12 then 18 month licence.

5.6 A driver could be granted a licence from the age of 18 years, and then not have a medical until the driver is 45 years old some 27 years after the initial checks were made.

5.7 All other checks for fitness are undertaken on a more regular basis. DBS (criminal records) are checked every 3 years. Driver's licenses are checked every 18 months.

6.0 COMMENTS FROM MEDICAL EXAMINOR

6.1 The licensing section have received a comment from Dr Gill, in relation to the frequency of medicals currently, and concerns over the length of time that could elapse from the initial medical to the first check up. Dr Gill has been invited to attend this meeting and inform members of his concerns. A copy of his comments are attached at Appendix 3.

7.0 RECOMMENDATION

7.1 That the Chief Licensing Officer & Head of Licensing would recommend that additional medical checks are required based on Dr Gill's advice and would ask members to consider carefully how many additional medicals and at what periods.

8.0 CONSULTATION

8.1 A consultation paper was circulated to the trades in 2013 and this report was circulated to them in February 2014.

8.2 Representatives of the trades associations have been invited to attend this meeting this meeting and advised that, subject to the consent of the chair, they may address the meeting.

8.3 Doctors on the register were asked to comment on the review any comments at the time of writing the report none have been received.

9.0 FINANCIAL IMPLICATIONS

9.1 There are no financial implications to the Council arising from this report.

9.2 Any changes to the frequency of Medical testing will have a financial burden on applicants.

9.3 There may be a small increase in the administration costs if the frequency of medicals and number of doctors increases. Any costs have to be recovered as part of the application process and these would be reviewed on an annual basis as part of the overall Fees review report.

10.0 OPTIONS

10.1 Members may deem the current Policy is appropriate and make no changes.

10.2 Members may change the policy based on the information set out in this report and after considering any evidence presented to them in writing or verbally at this meeting

APPENDIX 1

SHEFFIELD CITY COUNCIL – TAXI DRIVERS MEDICALS

Register of Doctors/Medical Practices available to Applicants

Name and Address	Booking Details	Costs	Available Times	Further Comments
Stonecroft Medical Centre 871 Gleadless Road Sheffield S12 2LJ	www.hgv-medical.co.uk	£60	Mon – Wed Friday lunchtime	
Michael Boyle GP Birley Health Centre 120 Birley Lane Sheffield S12 3BP	Diane Levick 0845 1221881	£100	Monday AM Monday 6pm - 7:30pm Thursday 6pm – 7:30pm	Results issued within 1 week
Barnsley Road Surgery 899 Barnsley Road Sheffield S5 QJ	0844 5769269	£80		
Manor Park Medical Centre 204 Harborough Road Sheffield S2 1QU	Sue Peat – 0114 2390034	£65	Most days	
Tramways Medical Centre (O'Connell) 54 Holme Lane Sheffield S6 4JQ	0845 1266411	£80		
www.gettingamedical.com C/o R S Jutley Medicals Ltd 29 The Pastures, Tuxford, Newark Nottinghamshire NG22 0NJ	01777 800256	£40	Evening & Weekends	
Sloan Medical Practice Little London Road Sheffield S8 0TW	0845 127 2001	£80	Flexible times to suit drives – can offer daytime	Mornings Thu/ Fri Evenings Tue/ Wed
Sheffield City GP Health Centre Rockingham House 75 Broad Lane Sheffield S1 3PD	0114 241 2700 www.walkinwhenyouneedsus.com	£80	8am to 8pm 7 days a week	If registered at the Practice the price is £65. Credit & Debit cards accepted.
Selborne Road Medical Centre 1 Selborne Rd Crosspool Sheffield S10 5ND	07712090693 Dr Anil Gill	£40	Monday to Friday all day	

Updated 7th February 2013

Sharrow Lane Medical Centre 129 Sharrow lane Sheffield S11 8AN	Dr B Islam 0845 123 8891	£45	Flexible times arranged with the Doctor	
Porter Brook Medical Centre 9 Sunderland Street Sheffield S11 8HN	Mrs Jenny Macpherson 08451 245 567	£89.50	Monday to Friday (middle of the day)	Extra costs for GP or Specialist Reports if needed. Do not accept Credit or Debit Cards
Duke Medical Centre 28 Talbot Road Sheffield S2 2TD	Contact Lynsey Hardy Tel 2720689 / 2262803	£55 + VAT	Monday to Friday	
Walkley House Medical Centre 23 Greenhow Street Sheffield S6 3TN	0114 234 3561	£50	Appointments at various times during the week	
Handsworth Medical Practice 432 Handsworth Road Sheffield S13 9BZ	Tel Nicola or Claire 0114 2697505 / 2293171	£50-£60	Monday to Friday	
Meersbrook Medical Centre 234-235 Chesterfield Road Sheffield S8 0RT	Practice Manager 0845 1242627	£100	Flexible Times Arranged with the Doctor	
Carfield Medical Centre Carfield Street Sheffield S8 9SG & Brinsworth Medical Centre 171 Bawtry Road Rotherham S60 5ND	Secretary Tel 01709 371504	£35	Flexible times to suit (Weekdays)	

Updated 7th February 2013

APPENDIX 2

SHEFFIELD CITY COUNCIL TAXI DRIVER MEDICALS.

Thank you for applying to be a registered Doctor or Medical Practice with Sheffield City Council for the purpose of undertaking Taxi Driver and Taxi Driver Applicants Medicals. In the document below we have set out the procedures and protocols for the administration of taxi driver medicals.

We would ask you to sign this document as an agreement to those protocols and procedures. You should then return this to the Taxi Licensing Section and also retain a copy for your own records.

The City Council deals with two types of applicants :-

- those already licensed who are applying to renew their licence. Under current policy they will be asked to complete and pass a medical at 45, 50, 55 and 60 years of age and then every 3 years whilst they continue to be licensed. There is currently no age restriction on Hackney Carriage and Private Hire drivers.
- new applicants who are applying for their first licence in Sheffield. These applicants may have licences with other Authorities but the current policy of Sheffield City Council is that an applicant has to undertake all tests required by The Licensing Board whether they are licensed elsewhere or not, and this includes the medical examination.

PROCEDURES FOR BOOKING MEDICALS

The Licensing Section will provide applicants with a list of the Doctors and Medical Practices that are registered with us. The applicants will then decide which doctor or practice they wish to use. They will be given your instructions on how to make a booking which will be supplied as part of the information on the list.

ON ARRIVAL AT THE MEDICAL EXAMINATION .

Existing License Holders

- will have been given at the point of application the medical certificate form based on the D4 form for a DVLA group II medical.
- will also have copies of any past medical examination history.
- Identification – They must supply you with their Photo Card DVLA drivers licence, or if not, photo ID such as a passport. They will also present their current Private Hire and Hackney Carriage drivers identification badge. The number on the Badge should match the number on the medical (D4) form.

New Applicants

- Again the applicant will have been supplied with their Sheffield City Council medical form.
- Identification – They must provide a Photo Card drivers licence, a second form of identification which must be either a passport or other form of photo id, and a bank statement or utility bill.

If there are any doubts about the identification of ANY attendee – either an existing licence holder or new applicant - then the medical should be aborted until those matters are resolved.

IF THE DRIVER PASSES THE MEDICAL - NEW OR RENEWAL

If the driver passes the medical, you must, upon completion, inform him/her of this and (in the case of existing license holders) return to him/her the copies of previous medicals. You should then supply them with the completed passed medical form. If this is not at the point or time of the medical you must make the appropriate arrangements with the applicant to supply that information.

Please be aware that any renewal applicant cannot receive their licence until they have presented the pass certificate to the licensing section and must allow 3 working days for the administration process.

IF THE DRIVER FAILS THE MEDICAL - NEW OR RENEWAL

If the driver fails the medical, you are required to explain the reason for failure to the applicant. You must retain the medical notes and failure certificate, and these must then be returned securely to the Taxi Licensing Section, within 7 working days of the date of the medical.

IF YOU NEED FURTHER INFORMATION

In some circumstances you may require information from other sources such as consultants or the drivers own GP.

In such cases, you should retain the notes of the applicant, and inform him/her of the reasons for this. You must then inform the applicant of what is required and what he/she or you will have to do next.

We have informed applicants that in these cases, the doctor who undertook the medical and retained the papers will be the doctor that has to deal with their particular case, and that they will have to return to you to be passed medically fit.

RECOMMENDATIONS AS TO TERM OF LICENCE

The current Council Policy is to issue drivers with a licence for 18 months on a renewal application, and 9 months on a first time licence.

You can make recommendations to the Council on the length of the Licence granted, up to the maximum of 18 months. You may see some underlying health issues that you believe require monitoring, and you may wish to inform the Council that, in your opinion, the applicant should be granted a shorter than normal term licence and that at the end of that licence he/she should be medically examined again.

If a doctor makes a recommendation that a driver should be medically examined again within a period of time that is outside the current policies, the licence issued will reflect that, eg the doctor may state that the driver should be seen in 12 months, thus a licence would be issued only for a 12 month period.

Doctors may also recommend that the applicant or driver be medically examined again outside of the normal referral policy, e.g. that a driver is seen prior to the birthday trigger points as set out by the policy or every three years rather than five years periods etc. This would be recorded by the licensing section and would not alter unless a doctor, after a full

medical examination, determined that the driver could be placed back on the normal referrals procedure and timescales.

RIGHTS TO APPEAL DECISIONS

As with all legislative matters, with any judgement made on an application to the Council there are some avenues for applicants to appeal the Decision of the Council. Your decision as a doctor becomes the Council decision as the reasons for refusal.

The applicant may challenge your findings, and if they wish to do so they may firstly ask for their particular application to be referred to the Licensing Board for consideration. If the Board decide to revoke or refuse to grant or renew their licence the applicant has a right of appeal to a Magistrates Court.

If an applicant asks for a Board Referral, or appeals a decision of the Council taken as recommended by you as the doctor, then you will be required to supply the Council with written statements explaining the decision. This is at no extra cost to Sheffield City Council.

Please be aware that on very rare occasions doctors have been summoned to Court or the Licensing Board to give evidence in person. This is usually at the request of the appellant or their legal representatives. In winning cases at the Magistrates Court, costs can be applied for. Invariably, full costs are never awarded to the Council and appellants usually only have to pay a contribution to the costs. Any attendance cost you incur for such instances will have to be recovered through the legal system and not from Sheffield City Council.

On Completion of the Examination

You are required to inform the Licensing Section of the attendance of the applicant, and the outcome of the medical within 48 hours of the date of the medical. Email communication will be accepted.

This does not override the need to supply the full written details of a failed medical within 7 working days of the date of the test.

ACCEPTANCE OF THE TERMS OF REFERENCE AND PROTOCOLS

I/we the undersigned agree to the above terms or reference as detailed and are fully aware that Sheffield City Council cannot guarantee that any medical applicants will use your offered services. We are fully aware that signing these terms of reference means that we will be accepted as a registered supplier of DVLA Group II Medical examinations for Private Hire and Hackney Carriage drivers.

I/we are fully aware that once accepted as a registered supplier, we will have to give the Council at least 2 months notice of withdrawal from the list, and at least 1 month's notice of any changes to fees charged or business details.

SIGNED _____ POSITION _____

PRINT NAME _____

DATE _____

If you require any further information about medicals please contact the Taxi Licensing Section on 2734005 Or 2734690, or email at taxi.licensing@sheffield.gov.uk

APPENDIX 3

HELLO CLIVE

WE SPOKE A FEW WEEKS AGO REGARDING MY CONCERNS ABOUT THE AGE REQUIREMENTS FOR SCC TAXI DRIVERS WHEN THEY UNDERGO THEIR SECOND MANDATORY MEDICAL EXAMINATION AT 45.

MY MAIN CONCERN IS THE GAP BETWEEN THE FIRST MEDICAL, WHICH COULD BE AT THE AGE OF 18 I UNDERSTAND, UNTIL THE MANDATORY SECOND MEDICAL AT THE AGE OF 45.

I AM NOW IN MY 3RD YEAR OF PERFORMING A LARGE NUMBER OF MEDICALS ON BEHALF OF SCC AND I TAKE MY PUBLIC SAFETY DUTIES VERY SERIOUSLY, BALANCED AGAINST THE NEEDS OF THE DRIVERS TO BE ABLE TO WORK.

I AM BECOMING INCREASINGLY WORRIED ABOUT THE SIGNIFICANT NUMBER OF DRIVERS I AM SEEING AT THE AGE 45 MEDICAL WHO HAVE UNDERLYING DISEASES WHICH HAVE CLEARLY NOT BEEN DIAGNOSED UNTIL THEY ATTEND AT THE MEDICAL, WHICH POSE A RISK TO PUBLIC SAFETY.

IN THE LAST YEAR I HAVE SEEN MANY DRIVERS WHO HAVE PRESENTED WITH CONDITIONS WHICH ARE LIKELY TO HAVE STARTED IN THEIR 30'S, SUCH AS UNCONTROLLED HYPERTENSION AND UN-DIAGNOSED DIABETES, BOTH OF WHICH COULD LEAD TO A HEART ATTACK OR STROKE WHILE DRIVING, AND IN SOME CASES SEVERE EYESIGHT PROBLEMS ONLY DETECTED WHEN THEY SEE ME AT THE MEDICAL EXAM.

I HAVE ONLY GIVEN THEM 3-6 MONTH LICENCES WITH STRICT INSTRUCTIONS TO SEE THEIR GP'S AND GET THE CONDITIONS UNDER CONTROL AND TO RE-PRESENT WITH THE NEW MEDICATIONS AND READINGS TO ME AT THE REPEAT MEDICAL. IN THE CASE OF THE REDUCED EYESIGHT I REFUSE TO SIGN OFF THE FORM UNTIL THEY ATTEND WITH GLASSES AFTER SEEING AN OPTICIAN.

IN ADDITION I HAVE A FEW DRIVERS WHO HAVE BEEN STARTED ON INSULIN WITHOUT HAVING A TAXI MEDICAL, AND SEVERAL WHO HAVE HAD HEART ATTACKS 3-5 YEARS BEFORE THE AGE 45 MEDICAL WHO HAVE NOT BEEN SEEN BY A SCC APPROVED DOCTOR BUT HAVE JUST CONTINUED DRIVING.

RECENTLY I SAW 2 DRIVERS WHO ARE DUE HEART OPERATIONS BUT WERE STILL DRIVING, BOTH IN THEIR EARLY 40'S. I HAVE HAD SEVERAL DRIVERS WHO COULD HARDLY SEE THE EYE

TEST CHART, AND CLEARLY HAD BEEN DRIVING FOR PERHAPS 10 YEARS LIKE THIS BEFORE THE AGE 45 MEDICAL.

I DO MEDICALS FOR NE DERBYSHIRE DRIVERS; THEY HAVE A 3 YEAR GAP BETWEEN MEDICAL, AND I HAVE NOTICED THAT I SEE VERY FEW WITH UN-DIAGNOSED DISEASES, AND IF I DO IT IS USUALLY AROUND THE AGE OF 30-35.

I SUSPECT SCC IS AT RISK OF LEGAL CHALLENGE IF ONE OF THEIR DRIVERS KILLS OR SEVERELY INJURES A MEMBER OF THE PUBLIC IN AN RTA AND THE DRIVER WAS FOUND TO HAVE A CONTRIBUTORY MEDICAL CONDITION WHICH COULD HAVE BEEN DETECTED IF A TAXI MEDICAL HAD BEEN DONE WITHIN THE LAST THREE YEARS.

ANY SENSIBLE LAWYER WOULD ENQUIRE WHAT ARRANGEMENTS OCCUR IN SURROUNDING COUNCILS, AND SCC WOULD STRUGGLE TO DEFENDSITS CURRENT PRACTICE I FEEL.

COULD YOU DISCUSS THIS WITH YOUR LICENCING BOARD PLEASE ?

REGARDS

DR GILL

SELBORNE RD MEDICAL CENTRE

1 SELBORNE RD

CROSSPOOL

SHEFFIELD S10 5ND



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 20th February 2014

Subject: Private Hire and Hackney Carriage Licensing

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

Summary: Report – Image Recording Equipment in Licensed
Vehicles.

Category of Report: OPEN

**REPORT OF THE CHIEF LICENSING OFFICER & HEAD OF LICENSING TO
THE THE LICENSING COMMITTEE**

20th February 2014

Image Recording Equipment (CCTV) in Licensed Vehicles

1. PURPOSE

- 1.1 To report back to the committee the results of the recent consultation as agreed at the meeting in May 2013 with regards to a mandatory CCTV Policy.

2. REASON FOR THE REPORT

- 2.1 The Committee considered a report in May 2013, and as a result of those discussions, the committee asked that a consultation take place with stakeholders and that a further report be brought back to the committee for a final decision by the end of 2013.
- 2.2 The reason for the report not being presented until now was to allow the licensing service to complete the consultation.

3. DATA PROTECTION COMPLIANCE

- 3.1 Audio recording is now be deemed excessive (see Southampton Case) and therefore the Council can-not insist on such recordings in any policy regarding CCTV in licensed vehicles.

4. CONSULTATION

- 4.1 The Chair and Deputy Chair have held many consultation meetings throughout the period with all interested parties.
- 4.2 The Chief Licensing Officer and Principal Licensing Officer (Taxis) met with trade representatives at a licensing consultation meetings during the year.
- 4.3 The trade associations were in attendance at the all previous licensing committee meetings and took full part in the discussions. I can confirm that he trade has been invited to attend this meeting today.
- 4.4 The consultation has revealed an overwhelming opinion against the imposition of a mandatory CCTV Policy for licensed vehicles as there is no evidence to show that there are any significant safety benefits.

5. FINANCIAL IMPLICATIONS

- 5.1 The committee will be aware that the financials implications have been set out in previous reports and therefore will not be repeated in this report.
- 5.2 In brief terms there are financial implications arising from the imposition of a policy for the mandatory fitting of CCTV cameras in licensed vehicles to both the licensed trade and the licensing service.

6.0 FURTHER INFORMATION

- 6.1 On 29th October 2013 Rt Hon Richard Fuller MP presented a private members bill to Parliament, asking for the implementation of a mandatory condition that all licensed private hire and hackney carriage are fitted with CCTV. A copy of Rt Hon Richard Fuller MP presentation to parliament is attached at appendix A.
- 6.2 Members should be aware that if the bill becomes legislation then Sheffield City Council, like any other Local Authority would have to implement the legislation at a local level.

7.0 RECOMMENDATIONS

- 7.1 Members should consider all the previous reports and any further information that is placed before them today either in writing or verbally and determine whether they wish to impose a Mandatory CCTV within licensed vehicles in Sheffield.

8.0 OPTIONS

- 8.1 To agree that the current voluntary policy and relevant specification (Appendix B) is satisfactory and make no changes.
- 8.2 To propose any potential changes to the current policy and/or the specification as the committee may consider appropriate.
- 8.3 That members agree that that any policy determined here today is reviewed on a three yearly basis.

Stephen Lonnia
Chief Licensing Officer and Head of Licensing
January 2014

APPENDIX A

(Private Members Bill) (CCTV)

Private Members Bill Rt Hon Richard Fuller MP

I beg to move,

That leave be given to bring in a Bill to require the installation of closed circuit television in licensed hackney carriages and private hire vehicles; to establish a minimum standard for such installations; and for connected purposes.

Like many right hon. and hon. Members on both sides of the House, I am sceptical about the value of the pervasiveness of CCTV in our lives and in our communities, but I wish to explain to the House why I believe that its provision in private hire vehicles and taxis is warranted and justified. For too long our private hire and taxi drivers have been treated like second-class citizens. Indeed, they are an overlooked community when it comes to personal safety. Yet they are an essential part of our public transport system, for in many towns across the country, who is going to take people home in the evenings? It will be a private hire cab or a licensed taxi. However, the safety provided in those circumstances is below that provided in other forms of public transport. It is the most trusting of circumstances: one, two or three people in a single vehicle late at night, with nothing to provide any evidence if a crime is committed.

The types of crime that are committed run the gamut, from theft to racial abuse and assault. Many of our taxi drivers are drawn from ethnic minorities. Racial abuse, wherever it happens, is unacceptable. In Doncaster, taxi drivers requested that the local council bring in CCTV because they were concerned about the incidence of racial abuse. They noted a significant decline in racial abuse following the introduction of CCTV. Theft is almost thought of as a cost of doing business. We should consider what it must be like for a taxi driver when two or three people they have driven home simply refuse to pay. What evidence does the driver have that a crime has been committed? What power does he or she have to stop those people perpetrating that crime? There is little ability to stop the crime and little evidence that it has happened. The number of assaults that occur in disputes between drivers and passengers is horrifying, and occasionally they lead to murder.

Having CCTV in taxis is about providing safety not only for drivers but for passengers, because there are sometimes instances of passengers attacking each other in the back of taxis. In my conversations with the Metropolitan police, I was interested to hear that they regard the provision of CCTV in taxis and private hire vehicles as helpful in cases of sexual assault or rape that occur after people have been taken by taxi to a place of residence.

Those are some general examples, but I have been moved to seek to bring in this Bill by specific examples in my constituency. A year ago one of my constituents, Mehar Dhariwal, was murdered. His murder brought into sharp relief the dangers that men and women in our taxis can be under when they are put in situations of risk. I met his widow, Mrs Dhariwal, last weekend. Although her loss can never be made up for, her encouragement to me was to say, "Richard, it's important that we bring in this measure so that other people do not have to go through the suffering that I and my family have gone through."

The dangers faced by taxi drivers were also brought into sharp relief when a friend of mine who works for 24-7 Cars was held at knife point between Bedford and Luton. He managed to escape only because he was smart enough to realise that there was a police car parked at a petrol station he was approaching. He rolled out of the taxi, sustaining injuries, and the taxi came to a halt. The two perpetrators of the crime got out and were chased by two police officers. One of those idiots threw a knife at the police officers and the other turned a gun on them, but the officers bravely dodged the knife and one of them knocked the gun away. I am pleased to say that our chief constable was prepared to take all necessary measures to ensure that those criminals faced the full force of justice.

This Bill proposes to provide for secure and encrypted CCTV in taxi cabs. It is important from the point of view of privacy that the information is secure and encrypted. It should also be accessible by the police only in circumstances in which a crime is reported to have been committed. The system should be mandatory, because then the citizen would know that it was being used when they got into a taxi cab. If the take-up were voluntary rather than mandatory, people would not know exactly what type of safety provision was in use. Councils around the country have seen the value of introducing a mandatory system over a voluntary one.

There is a question about whether CCTV should provide just video coverage or audio coverage as well. This issue was subject to an Information Commissioner review involving Southampton council earlier this year. The consequence was not to ban audio recording outright, but to say that it could be provided only in a panic situation—a short

burst of audio at the particular point when a driver felt a crime was being committed. I believe that that is the correct approach.

There are also issues with costs. The last thing I would wish as a result of this Bill is to place additional costs on drivers. We do not ask bus drivers to pay for the CCTV that protects them, and nor should we ask taxi drivers to pay for their own personal safety while they ply their trade. Southampton has built on its work with the Information Commissioner and has a very good approach to covering costs: the council covers the cost of the camera and the taxi drivers are responsible for the maintenance and installation of the system. That also allows the driver to recoup their costs through insurance reductions, because CCTV is able to look outside as well as inside the vehicle and can therefore be used as evidence in claims when crashes or whiplash are caused. In such circumstances, I believe that the costs that would fall on the drivers would be negligible at best.

This Bill seeks to provide a level of security for our taxi drivers that is long overdue. Workers in other high-risk transport situations already benefit from it and I believe it would have a significant impact. A **US** study recently compared the effect of measures such as CCTV and barriers between the driver and passengers. It found that only one method contributed to a significant reduction in crimes against drivers, and that was CCTV.

This Bill has many benefits, but to my mind the most important is that it will start to give respect to our taxi drivers and stop people treating them as second-class citizens.

Question put and agreed to.

Ordered,

That **Richard Fuller**, Meg Hillier, Mr Adam Holloway, Siobhain McDonagh, Stephen McPartland and **Priti Patel** present the Bill.

Richard Fuller accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 8 November, and to be printed (Bill 121).

APPENDIX B

(Current CCTV Specification)

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.