

Licensing Committee

Thursday 29 October 2015 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 David Barker, Nikki Bond, Jack Clarkson, Neale Gibson, Dianne Hurst, George Lindars-Hammond, Roy Munn, Anne Murphy, Josie Paszek, Vickie Priestley, Denise Reaney, Mick Rooney, Geoff Smith, Zoe Sykes and Cliff Woodcraft

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.

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
29 OCTOBER 2015**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meetings**
To approve the minutes of the meetings held on:-

14 July 2015
8 September 2015
17 September 2015
29 September 2015
1 October 2015
- 6. Enforcement and Staffing Report**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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 Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Licensing Sub-Committee

Meeting held 14 July 2015

PRESENT: Councillors David Barker (Chair), Josie Paszek and Denise Reaney

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Denise Reaney declared a personal interest in item 5 – Street Trading Consent – The Abbey Car Park, 944 Chesterfield Road, as the site is located within her Ward.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - MOBILE STREET TRADING CONSENT WITHIN THE CITY CENTRE

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Street Trading - Mobile Street Trading Consent within the City Centre (Ref No. 49/15).

4.2 Present at the hearing were Michael Desmond (applicant), Georgina Hollis and Martyn Wragg (Licensing Enforcement and Technical Officers), Paul Barber (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Paul Barber outlined the procedure which would be followed during the hearing.

4.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that no objections had been received from any of the other Responsible Authorities, but comments had been made by the Highways Department and were attached at Appendix “B” to the report. An invitation to attend the hearing was attached at Appendix “C”.

4.5 Michael Desmond informed the Sub-Committee of his intention, if the application was granted, to purchase a tricycle similar to ones used in Amsterdam to trade as a mobile flower seller. He stated that the proposed tricycle was aesthetically designed and he intended to get it professionally painted and commented that the business would be an attribute to the City Centre, in that flowers make people feel good and that he is adhering to the Council’s policy of a cleaner, greener city by

not filling the City Centre with car fumes. He stated that he had done some market research into where and when would be best to make the business viable and was willing to adhere to any conditions imposed upon the licence.

- 4.6 In response to questions from Members of the Sub-Committee, Michael Desmond stated that he would never put himself or members of the public at risk by stopping anywhere other than the designated areas. He added that he had met with City Centre Management who advised him that, if he was on the highway in a busy area, he should get off the bike and push it and not encourage anyone passing-by to approach him. He stated that, at present, the design of the bike would make it easy for flowers to be stolen from him, but at the suggestion of a Member, he would obtain a cover to protect them whilst travelling. He further stated that, at present, until he knows whether this venture would be successful or not, it is his intention to trade on Mondays to Fridays only, but that in the future he may wish to apply for consent to trade at weekends.
- 4.7 Members raised concerns about the use of an umbrella during inclement weather and felt that this could be hazardous. Mr. Desmond stated that he had not thought about that and welcomed the issue raised by Members.
- 4.8 Georgina Hollis reported on the options open to the Sub-Committee.
- 4.9 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.
- 4.10 Paul Barber reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a mobile street trading consent within the City Centre (Ref No. 49/15), be granted, subject to conditions and a fee all to be determined by the Chief Licensing Officer and he be instructed to draw up a licence which specifies there be no obstruction to the public highway.
- 5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT - THE ABBEY CAR PARK, 944 CHESTERFIELD ROAD, SHEFFIELD**
- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act, 1982, for a Static Street Trading Consent at The Abbey Pub Car Park, Chesterfield Road, Sheffield S8 0SH (Ref No.50/15).

- 5.2 Present at the meeting were Michael Knights and John Gregory (Applicants), Derek Kershaw (friend of the Applicants), Georgina Hollis and Martyn Wragg (Licensing Enforcement and Technical Officers), Paul Barber (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Paul Barber outlined the procedure which would be followed during the meeting.
- 5.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that representations had been received from Greenhill Neighbourhood Watch Group and one local resident and were attached at Appendix "C" to the report. Invitations to the applicants, interested parties and objectors were attached at Appendix "D". The objectors did not attend the meeting.
- 5.5 Michael Knights stated that he and his partner were very excited about this new business venture and were keen to get it up and running. He added that they had invested in the oven-fired pizza oven, which was environmentally friendly as it burns smokeless fuel and there was no odour emanating when cooking. He further stated that they had already been granted planning and licensing applications for trading at the Devonshire Arms, Dore Village and now wished to expand to the Abbey Pub. He added that it was their intention to create a different experience for families to enjoy.
- 5.6 In response to questions from Members of the Sub-Committee and officers, Michael Knights stated that the trailer and oven unit takes up approximately three car parking spaces, thereby leaving plenty of spaces in the pub car park. He added that it was intended to use the fridges inside the pub for the purpose of keeping the dough fresh and to use the play area belonging to the pub. He further added that they would also offer a take-away service, but did not envisage any problems with litter and were willing to clear the area if necessary. Mr. Knights went on to state that the brewery and landlord were willing for the business to operate from the premises as the set-up costs were quite expensive and it was hoped to develop the business further by offering "pizza parties" and "festivals". He added that the landlord hoped that the venture might bring in more custom for the pub itself.
- 5.7 John Gregory summed up the applicant's case by stating that they were not oblivious to the concerns of the objectors and they would try to ensure that there would be minimal impact on the local area. He added that the idea was an old fashioned method of preparing and serving food at an "old fashioned pub" and there has been a lot of support for the venture.
- 5.8 Georgina Hollis reported on the options open to the Sub-Committee.
- 5.9 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.

- 5.10 Paul Barber reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press.
- 5.12 RESOLVED: That the Sub-Committee agrees to grant the application for a Static Street Trading Consent at the Abbey Pub Car Park, Chesterfield Road, Sheffield S8 0SH (Ref No. 50/15), in the terms now requested.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 September 2015

PRESENT: Councillors Geoff Smith (Chair) and Anne Murphy

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Zoe Sykes.

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. 61/15 attended the hearing with his brother and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 62/15 attended the hearing with a friend and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 63/15 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>
61/15	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 (a) the offences and convictions now reported and (b) the responses to the questions raised.
62/15	Application for a new Hackney	Grant a licence for the normal term of nine months and, on the first renewal, authority be

	Carriage and Private Hire Driver's Licence	given to grant the applicant a 12 month licence and, on any other subsequent renewals, an 18 month licence, subject to there being no cause for concern.
63/15	Application to renew a Private Hire Vehicle Licence	Grant a licence for a period of six months on the grounds that the Sub-Committee considers that there are exceptional circumstances in the case, specifically relating to the service history and excellent condition of the vehicle, to warrant a departure from the current policy relating to the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 17 September 2015

PRESENT: Councillors Geoff Smith (Chair), Nikki Bond, Dianne Hurst, George Lindars-Hammond, Roy Munn, Josie Paszek, Vickie Priestley, Denise Reaney and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors David Barker (Co-Chair), Neale Gibson, Anne Murphy and Zoe Sykes.

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 (a) the Licensing Sub-Committee held on 30th June, and 4th and 25th August 2015, and (b) the Licensing Committee held on 31st March 2015, were approved as correct records and, arising from the meeting of the Licensing Committee held on 31st March 2015, the Chief Licensing Officer reported that a full report on the review of licensing fees would be submitted to the Committee meeting to be held on 1st October 2015, or as soon after as possible.

5. REVIEW OF PLYING FOR HIRE POLICY

5.1 The Chief Licensing Officer submitted a report on a review of the Council's Plying for Hire policy and attaching, as an appendix, the current Plying for Hire policy, which had last been reviewed in June 2012. The report indicated that since the last review, there had been a number of significant legislative changes, including the introduction of the Deregulation Bill 2015, which would come into force on 1st October, 2015, and which would potentially exacerbate the problem of illegally plying for hire.

5.2 The report contained information on why illegal plying for hire was such a serious offence, public attitudes towards the danger of the practice and the enforcement action taken by the Council against offenders.

5.3 Steve Lonnia, Chief Licensing Officer, made specific reference to the dangers associated with illegal plying for hire, indicating that, in most cases, it involved unlicensed drivers and vehicles, which would not have undergone any of the

Council's standard tests and checks. Mr Lonnia stated that the drivers may also have criminal convictions and their intentions may be solely to engage in serious criminal activity. As a result of this, the lack of any legal contract deprived passengers of those legal rights afforded to them by a contract and, as well as the risks they faced, it was often very difficult, or in some cases, impossible, for the Licensing Service to investigate any complaints. Mr Lonnia stated that the majority of illegal plying for hire cases involved drivers from out of the City, and he made reference to the Deregulation Act 2015, that would permit operators to sub-contract bookings to operators licensed by other local authorities, which could potentially result in an increase in incidences of this illegal practice.

- 5.4 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), stated that, whilst he welcomed the review of the Council's Plying for Hire policy, the practice was causing major problems in the City, particularly for drivers of Hackney Carriages when they witnessed other drivers illegally plying for hire on official taxi ranks. He stated that, due to the escalation of the problem over the last few years, which was now causing major frustration and resentment for licensed drivers, there was a need for both the Licensing Service to receive adequate resources to enable staff to carry out effective enforcement action, as well as the police to recognise the seriousness of the problems, and take further action themselves. Whilst appreciating the financial cuts faced by both the Council and the police, he expressed concerns at the low number of prosecutions for the offence, indicating that he believed the last prosecution had taken place over two years ago, when a passenger was sexually assaulted by an unlicensed driver. He stated that the problem was now causing tensions between licensed Hackney Carriage drivers in connection with the queueing order on official taxi ranks. Mr Rehman concluded by suggesting that the Chief Licensing Officer should submit a quarterly report to this Committee, containing statistics in terms of enforcement action taken in respect of illegal plying for hire and other enforcement issues.
- 5.5 Mohammed Yasim, GMB, also stated that whilst he welcomed the report, he was not happy with the level of enforcement action, indicating that a significant amount of funding, through licence applications, went towards the undertaking of enforcement action, but did not consider the results were effective enough. Mr Yasim also considered that the majority of offenders were from outside the City, mainly Chesterfield and Rotherham, and that the increase in illegal plying for hire was also causing frustration and resentment from private hire drivers. As well as requesting more visible enforcement, he was not happy with the level of input from the police or the Council's Parking Services. Mr Yasim considered that there should be more detailed information contained in the report, including a financial breakdown in terms of how much was spent on enforcement work, and indicated that there was no detail in terms of any prosecutions made by the Council. He concluded by stating that licensed drivers were paying good money for the licences, but were not getting the service they deserved.
- 5.6 Steve Lonnia responded by stating that, in the light of the financial cuts being faced by the police, it was not likely that they would be able to commit resources for dealing with enforcement relating to illegal plying for hire, but they had indicated that officers could be called on by Licensing staff if they required any assistance. He added that there was not likely to be any input from Parking Services as they

only currently worked daytime/evenings. However, he was aware that the Parking Services were currently going through significant change. Mr Lonnia reported that Licensing staff were undertaking more enforcement work now than they ever had done, indicating that the Service had eight staff dedicated to enforcement action, each working one night and two days a week out of the office. This included 90 late night exercises and 150 day-time exercises. He accepted that the Service received a considerable level of income through licence applications, but considered that such income was used to provide an effective licensing service for the City.

5.7 In response to questions from Members of the Committee, Mr Lonnia stated that many neighbouring authorities used saloon cars as their equivalent of Sheffield's Hackney Carriages, including Gedling, Rossendale and North East Derbyshire, which had a very high number of licensed vehicles, which made it very difficult for the Licensing Service or the police to differentiate between the different types of vehicle. If a driver from outside the City was caught illegally plying for hire, the Licensing Service would write to the local authority they were licensed with, informing of the situation, and requesting that action be taken against the driver. The Service did not have any influence in terms of what action that local authority could take. Mr Lonnia expressed serious concerns with regard to a number of smaller neighbouring authorities, such as Gedling and Rossendale, issuing high levels of taxi licences as, with them only being small areas, a number of drivers were forced to look for fares in Sheffield. The majority of drivers stopped for illegally plying for hire comprised mainly vehicles registered out of the City, followed by vehicles licensed in Sheffield, followed by unlicensed vehicles. It was not possible, at this time, to calculate how much time was taken up in terms of enforcement action in dealing with illegal plying for hire, although such information could be recorded when staff were undertaking particular enforcement exercises. The Service could look into including such information in future enforcement reports. Members of the public could report incidences of illegal plying for hire by contacting the Service by telephone, in writing or by email, although, without all the relevant information and evidence, it would be very difficult for the Service to take any action. The Service could look into organising some form of awareness-raising campaign, as organised by other local authorities. If the Service received sufficient evidence to enable it to identify a particular driver, it would write to them warning of their responsibilities, or refer the issue to the relevant local authority.

5.8 RESOLVED: That the Committee:-

- (a) notes the information contained in the report now submitted, together with the comments now made and the responses to the questions raised;
- (b) acknowledges the enforcement action currently being undertaken by the Licensing Service, in respect of illegal plying for hire;
- (c) requests:-
 - (i) staff to continue to undertake as much targeted enforcement action, in connection with illegal plying for hire, as possible;

- (ii) staff to continue liaising with colleagues in neighbouring authorities in connection with the carrying out of enforcement action regarding illegal plying for hire;
 - (iii) the Co-Chairs and the Chief Licensing Officer to meet with the Police and Crime Commissioner for South Yorkshire, to highlight the seriousness of illegal plying for hire; and
 - (iv) officers in the Licensing Service to give consideration to organising a campaign regarding raising awareness of the dangers associated with illegal plying for hire;
- (d) following a review, approves the Council's policy in relation to illegal plying for hire, as follows:-
- (i) Because of the potentially serious consequences of the offence, offenders will be prosecuted (where there is considered to be sufficient evidence to secure a conviction and it is in the public interest to do so);
 - (ii) Officers must endeavour to recover the costs of prosecutions from those convicted in order to reduce the financial burden on licensed drivers who work within the law;
 - (iii) Officers refer any current licensed drivers to the Licensing Sub-Committee at the point that there is sufficient evidence for the Licensing Service to submit a file for legal proceedings to be brought against that driver;
 - (iv) Unless there are exceptional circumstances, offenders should expect to have any licences they hold immediately revoked and/or any application for a licence refused;
 - (v) Councillors' confirm that they deem that this offence is a matter of public safety and any revocation of a licence would be done under Section 52 Road Safety Act 2006, which amends Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, which means any revocation would be with immediate effect;
 - (vi) The use of officers as passengers be endorsed as a method of enforcement, and instruct the Chief Licensing Officer and Head of Licensing to carry on conducting enforcement activity against this illegal activity;
 - (vii) A copy of this report, the resulting resolution and policy is made available to the Courts when relevant cases are being considered;
 - (viii) That delegated authority be given to the Chief Licensing Officer and Head of Licensing to organise enforcement operations in response to intelligence and/or information received that brings to his attention a problem/issue with plying for hire in any area of the City; and

- (ix) That the wording of this policy be included in the proposed new policy documents that are currently been drafted ready for consultation; and
- (e) undertakes to further review the policy, in the light of the forthcoming enforcement report.

6. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES

- 6.1 The Chief Licensing Officer submitted a report on a review of the current policy in relation to the duration of Private Hire and Hackney Carriage Drivers' Licences, in the light of the Deregulation Bill 2015, and containing a list of proposed revised fees to be charged for new licences.
- 6.2 The report referred to the impact of the Deregulation Bill 2015, which would come into force on 1st October 2015, requiring that Private Hire and Hackney Carriage Drivers' Licences granted by a district council shall remain in force for three years from the date of such licence, or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case. The report contained information regarding consultation held on the change, together with details of the financial implications of such a change in the law and attached, as an appendix, a table setting out proposed fees for licence applications, to become effective from 1st October 2015.
- 6.3 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), stated that, whilst he welcomed the report, he did have concerns with regard to the increase in the fees for licence applications.
- 6.4 Mohammed Yasim, GMB, stated that he was not happy with the increase in the costs, referring to a lack of a detailed breakdown of the costs and querying why the post costs element of the licence fees were not simply double, or treble from a 12 month licence, to a 24 and 36 month licence, respectively. He stated that there were no savings or benefits to drivers.
- 6.5 Steve Lonnia, Chief Licensing Officer, stated that the post costs element of the fees represented the largest increase in the fees on the basis that the majority of additional checks and associated administrative work to be undertaken on a two/three-year licence, was carried out following the grant of the licence. He reported that the legislation stated that local authorities could recover reasonable costs of administering a system in terms of the granting of licences, and believed the proposed fees, as set out in the report, represented a reasonable cost. He stated, however, that the Service's administrative costs would be monitored, and the fees would be reviewed if it was found that such administrative costs were not warranted.
- 6.6 In response to questions from Members of the Committee, Mr Lonnia confirmed that a review of the fees would be undertaken, as part of the annual fees review, in February/March 2016. He stated that whilst the Service could charge for work undertaken in connection with compliance issues, it could not, by law, charge a

separate fee for undertaking enforcement work on a driver's licence.

6.7 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made and the responses to the questions raised;
- (b) requests the Chief Licensing Officer to make arrangements for the grant of a three-year Private Hire and Hackney Carriage Driver's Licence, as from 1st October 2015, except in cases where the Licensing Sub-Committee determines otherwise, on a case by case basis;
- (c) approves the revised fees in respect of applications for Private Hire and Hackney Carriage Drivers' Licences, as set out in Appendix 'A' to the report; and
- (d) agrees that no further decisions be made upon any driver policy matters until the new policy is presented to this Committee at a meeting to be held later in the year.

7. PRIVATE HIRE OPERATORS' LICENCES

- 7.1 The Chief Licensing Officer submitted a report on a review of the Council's policy in relation to the duration of a Private Hire Operators Licence, in the light of the Deregulation Bill 2015, and containing a list of proposed, revised fees payable on application for the grant/renewal of a Private Hire Operator's Licence.
- 7.2 The report made reference to the Deregulation Bill 2015, which would come into force on 1st October 2015 which, among other things, required that every Private Hire Operators Licence shall remain in force for five years or such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case. The report also contained information on the consultation held on such a change and the financial implications of the change to the Council and, attached, as an appendix, a list of proposed fees in respect of the grant of Private Hire Operators' Licences.
- 7.3 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), stated that there would be long-term implications for the trade, particularly the likely adverse effects on drivers in Sheffield, if drivers from other areas can come into the City and take bookings.
- 7.4 Mohammed Yasim, GMB, stated that he was not happy at the proposed changes, and considered that there had been a lack of scrutiny of the impacts of the changes set out in the Deregulation Bill, by this Committee.
- 7.5 In response to questions from Members of the Committee, Steve Lonnia stated that the fees for Private Hire Operators' Licences would be cheaper, following deregulation, with operators benefiting more, the longer the duration of the licence. It was very difficult to undertake any benchmarking with other local

authorities, in terms of how they were reacting to the changes in the Bill, as all the authorities were dealing with the issue at the same time. However, benchmarking work would be undertaken as part of the fees review to be undertaken in February/March 2016. Offering operators the chance to pay for their licences in instalments had not been considered a viable option as there was a likelihood that it could cost more in the long-term, specifically in terms of chasing applicants up if they failed to pay an instalment on time.

7.6 RESOLVED: That the Committee:-

- (a) note the contents of the report, together with the comments now made and the responses provided to the questions raised;
- (b) requests the Chief Licensing Officer to make arrangements for the grant of a five-year Private Hire Operator's Licence, as from 1st October 2015, except in cases where the Licensing Sub-Committee determines otherwise, on a case by case basis; and
- (c) approves the revised fees, as set out in Appendix 'A' to the report, regarding applications for Private Hire Operators' Licences.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 September 2015

PRESENT: Councillors Geoff Smith (Chair), Neale Gibson and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Zoe Sykes.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 4 and 5 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. 66/15 attended the hearing with a friend and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 69/15 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>
66/15	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
69/15	Application for a Hackney Carriage Vehicle Licence	Grant a licence for a term of 12 months, in the light of the exceptional circumstances now demonstrated by the applicant.

5. SCRAP METAL DEALERS ACT 2013 - APPLICATION FOR A SCRAP METAL DEALER LICENCE

- 5.1 The Chief Licensing Officer submitted a report to consider an application for a Scrap Metal Collectors Licence under Section 2(2)(b) of the Scrap Metal Dealers Act 2013 (Case No. 70/15).
- 5.2 Present at the meeting were the applicant, Georgina Hollis (Licensing Enforcement and Technical Officer), Paul Barber (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 The Chair outlined the procedure which would be followed during the hearing.
- 5.4 Georgina Hollis presented the report to the Sub-Committee and it was reported that the application had been referred to the Sub-Committee due to the concerns regarding the number of convictions attached to the applicant's police check history.
- 5.5 The applicant addressed the Sub-Committee and responded to questions raised by Members of the Sub-Committee. As part of his case, and in response to the questions, the applicant provided information in terms of his convictions and how he planned to operate his business.
- 5.6 RESOLVED: That the attendees involved in the application for a Scrap Metal Collectors 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.
- 5.7 Paul Barber reported orally, giving legal advice on various aspects of the application.
- 5.8 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 5.9 RESOLVED: That the application for a Scrap Metal Collectors Licence be granted in the terms now requested (Case No. 70/15).

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 October 2015

PRESENT: Councillors David Barker (Chair) and Anne Murphy

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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. 71/15 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 72/15 attended the hearing and 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>
71/15	Application for a Hackney Carriage Vehicle Licence	Refuse to grant a licence on the grounds of the Council's limitation policy regarding Hackney Carriage vehicle licences.
72/15	Application to renew a Private Hire Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-

Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles.



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer & Head of Licensing

Date: 29th October 2015

Subject: Enforcement / Staffing

Author of Report: Mr Stephen Lonnia

Summary: To set out for the Licensing Committee a detailed background as to the role, duties and vision of the Licensing Service in relation to enforcement, pro-active working, inspections, visits etc.; and the current position, and what our reasonable requirements are for the service in relation to inspection and enforcement in the future.

Recommendations: The Chief Licensing Officer and Head of Licensing to bring back a further report in January 16 detailing a five year enforcement plan with a proposal to increase resources if necessary; and provide a detailed financial implications plan regarding the costs / impact on individual licence fees.

Background Papers: NONE

Category of Report: OPEN

Report of the Chief Licensing Officer & Head of Licensing to the Licensing Committee

Enforcement and Staffing

1.0 Purpose of the Report

- 1.1 To set out for the Licensing Committee a detailed background as to the role, duties and vision of the Licensing Service in relation to;
- enforcement, pro-active working, inspections, visits etc.; and
 - the current position, and what our reasonable requirements are for the service in relation to inspection and enforcement in the future.

2.0 Background

- 2.1 The Service ambition is to move from its current, admin based operation to delivering a strategic and proactive service which continues to strive to be the best, developing a strengthened focus on customers and ensuring that policy development is joined up with other Council Services and partners to deliver successful outcomes for our city.
- 2.2 Sheffield City Council must, through legislative requirements provide a Licensing Service that carries out the statutory licensing functions of the Council. Inspection and enforcement is an integral part of those functions.
- 2.3 The Licensing Service operates under strict statutory timescales and processes, prescribed by legislation and associated regulations. The consequences of failing to adhere to statutory timescales include the possibility of legal challenge by the way of judicial review which could result in significant costs against the Council.
- 2.4 The Service administers and enforces over 50 individual licensing systems, 27 pieces of legislation, and over 15,000 applications for licences annually. A list of those systems is attached at **Appendix "A"**.
- 2.5 Licensing is a non-profit making service. The Service must only recover the reasonable costs of the administration and enforcement of the terms and conditions in relation to each individual licensing system that it manages. The Service is self-financing.
- 2.6 The Service operates in what can be a highly political area of the Council. Licensing of sports grounds, alcohol, gambling, the sex industry and taxis can be difficult and contentious issues. The Service must manage these in an independent, fair and equal manner in order to promote public safety and reduce issues such as alcohol related crime and disorder, under age sales, noise nuisance and the protection of children.
- 2.7 The Service works proactively on key issues such as public safety, health, crime and disorder, anti-social behaviour, prevention of public nuisance and the protection of children.
- 2.8 The Service mediates the on-going challenge of combining its statutory and regulatory function to ensure protection of the public alongside being an enabling, business friendly service, helping Sheffield to be economically competitive.

3.0 The Licensing Service Plan 2015 - 2017

3.1 The eight licence E's are the guiding principles at the centre of the licensing service vision, priorities and targets, they are;

- Enabling
- Effective
- Equitable
- Efficient
- Education
- Economy
- Enforcing
- E-Government

3.2 The Licence E's are all equally important, however as a service the three areas that we need to significantly improve on and move forward are in relation to Enabling, Education and Enforcement.

3.3 These guiding principles should ensure that at all times, no matter what role we are undertaking we deliver our service in a way that will assist the Council to achieve its priorities:

- An In Touch Organisation
- Strong Economy
- Better Health and Wellbeing
- Tackling Inequalities
- Thriving Neighbourhoods and Communities

3.4 The Vision of the service is shared with the vision of the Business, Strategy & Regulation Service in that we want to be "Doing the right things and doing things right, for our customers and the City, making Sheffield a Great Place to be". We will achieve this by keeping the city safe and healthy, protecting the environment, stimulating vibrancy and growth and adopting a well-structured organisation, that is risk aware and outcome focussed, whilst being efficient and high performing.

3.5 We aim to provide a service on which businesses; individuals and communities can depend on for reasons of health, safety, welfare, equality and consistency, whilst also being in a better position to deal with the political, economic, social, technological, legal and environmental factors that are likely to influence the role of local authority licensing over the coming years.

3.6 To be a service that will assist the Local Authority in using its powers and influence to promote the general wellbeing of the community and its residents. By doing the following:

- Listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield
 - Intelligent – make full use of information to inform decision making and drive service improvement
 - Efficient – continually strive to provide value for money, improving quality and Outcomes

- Help achieve our economic potential by being well connected, with skilled individuals and in assisting businesses
 - Vibrant City – help get the right mix of business, leisure and retail
 - Distinctive cultural and sporting assets – assist in delivering and maintaining these venues
- Assist people to have a good quality of life and feel proud of where they live and have great local amenities
 - Deliver an efficient and safe taxi licensing system that provides an efficient mode of transport
 - Assist in improving community safety by reducing antisocial behaviour
- Promote good health, and assist in preventing and tackling ill health
 - Provide information and education around the impact of alcohol and gambling
 - Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health
- Help invest in the most deprived communities and support individuals to help themselves
 - Through licensing help promote equality, diversity and inclusion
 - Continue to work with schools, colleges and universities to deliver education around licensing

3.7 We want to be a service that ensures more of a Sheffield focus with cross partner working with the Police, Fire and Ambulance Services, National Health Service, Public Health, Drug and Alcohol Co-ordination Team and many others. A service that ensures we deliver what Sheffield people need and want and plays a valuable role in tackling issues around anti-social behaviour, crime & disorder, health, noise from licensed premises and the protection of children and the vulnerable.

3.8 The role of Licensing is to strike a balance between the need to welcome and support those delivering licensable activities that are important to parts of our city with the need to ensure a high quality of life for all those who live, work in or visit Sheffield.

3.9 We need to ensure that the service is appropriately structured and resourced, and its relationships with its partners and other local authority services are such that it is best placed to deliver its primary function as an enabling service as set out in the Statement of Licensing Policy and offers a customer focussed service whilst complying with statutory and procedural requirements.

4.0 The 5 Year Business Plan

4.1 The 5 Year Business Plan recognises that we want to provide a service on which businesses, individuals and communities can depend on for reasons of health, safety, welfare, equality and consistency.

4.2 The plan also recognises that if we want to truly deliver an “Enabling Service” that offers education and support we need to cut through the red tape whilst still providing effective regulation that meets local and national needs.

4.3 As a service we want to assist the Local Authority in using its powers and influence to promote the general well-being of the community and its residents. Deliver a service that Sheffield people need and want and which plays a valuable role in tackling issues around anti-social behaviour, crime and disorder, health, noise from licensed premises and the protection of children and the vulnerable.

- 4.4 We want to be recognised as a Service that is committed to continuous improvement to benefit businesses, residents, and the wider community in Sheffield. This includes developing a strengthened focus on customers and ensuring that our policy development is joined up with other Council Services and partners to deliver successful outcomes for our city. The Service is committed to achieving a shift from its current admin based delivery, to being a strategic, proactive Service which continues to strive to be the best.
- 4.5 Five areas have been identified as key to the Service achieving these aims:
- Strategic Partnerships with Customers, Partners and Stakeholders (Enabling / Education / Effective / Enforcement)
 - Quality Staff (Education / Efficient / Effective)
 - Business Friendly (Enabling / Education / Economy / Enforcement)
 - Quality IT System (E-Government / Enabling)
 - Excellent Customer Service (Enabling / Education / Efficient / Effective / Enforcement)
- 4.6 The 5 Year Business Plan recognises that the Service has an important role to play in;
- The city and late night economy
 - Employment within the licensing and leisure industry
 - Large scale events and music concerts / festivals
 - Sports ground safety of spectators
 - Theatres, cinemas and cultural activities
 - Transport provision – taxi and private hire vehicles

5.0 Licensing Service & Structure

- 5.1 Licensing provides a service which impacts on people's lives. If not managed correctly, there are potentially significant legal and financial implications as well as local and national damage to the reputation of the city.
- 5.2 The work the service undertakes can impact on many other services within the Council, therefore it is extremely important that this is recognised and considered when creating policies, undertaking enforcement etc. Those other services include Planning, Environmental Protection, Health Protection, Trading Standards, Highways, Housing, Education, City Centre Management, Transport Services etc.
- 5.3 The Service moved to Business Strategy & Regulation under Mick Crofts in 2012. An achieving change with managing employee reductions (AC/MER) was then completed in March 2014 that introduced the current structure. See **Appendix "B"** for details of the current structure.
- 5.4 The aim of the new structure was to introduce specific job roles to develop a structure that will provide the base for the service to move forward in the future and particularly in areas of Strategy, Policy, Enforcement, Education, and Support whilst moving towards being an enabling service.
- 5.5 The AC/MER process was intended to make savings through streamlining application processes and introducing electronic forms and payments. This was to be achieved through the purchase of a new licensing database from a company called Idox (Lalpac).

- 5.6 It is fair to say that the vast majority of the back end (office) part of the new system is now in operation. We are currently agreeing the final upgrades/amendments to the back end of the system. Although it has to be said that it has taken a very long time to put in to place, it is a significant improvement on our old system and will enable the new electronic front end to perform in the future.
- 5.7 With regards to the front end of the system which will enable the service to deliver electronic registers, forms and payments this is still some way off and will need significant developments over the next few months. It is hoped that we can complete this part of the project within the next 5 months.
- 5.8 The AC/MER also aimed to deliver more targeted job roles and I believe this is working really well. At the first tier we have a team of 8 licensing analyst / processing officers that deal with all systems, with particular regards to administering applications, payments and general customer interaction.
- 5.9 The next tier of the service is the licensing enforcement / technical officers whose role includes out of office duties, enforcement and late night activities. This role again is now starting to take shape and deliver results. We accept that it was very slow at first because of huge workloads they were assisting LAPO's with administration work in the office.
- 5.10 The third tier is the Licensing Strategy / Policy officer which is the first tier of management. We have recently increased this level from 3.6 fte's to 4.6fte's. Again this new role has really paid dividends and the results are already being seen with the development of new policies.
- 5.11 The service currently has 22 staff and administers 27 specific pieces of licensing legislation (poll). The number of staff is quite low when compared to other similar cities such as Leeds (46 staff and only 12 poll), Manchester (30 staff and only 20 poll) and Birmingham (37 staff and only 9 poll). These figures were obtained in 2012/13 as part of a benchmarking exercise undertaken to inform our 5 year business plan.
- 5.12 The AC/MER recognised that reducing the administrative workload of the service with the introduction of new a new database / electronic front end would free up resources that could be used to invest in to stronger governance and enforcement, proactive and development activities for the city. However, it did not account for the continued growth in licensing and the additional amount of work that our new proactive approach would create.
- For example; In December 2010 we had 1167 licensed Private Hire Vehicles and at the time of writing this report we have 1589. This shows an increase of 422 in four and half years and this equates to an increase of around 90 vehicles per year.
 - In December 2010 we had 2430 licensed drivers and at the time of writing this report we have 2812. This shows an increase of 382 in four and half years and this equates to around 85 drivers per year.
- 5.13 It is fair to say that any time savings/efficiencies that will be achieved through the completion of the front end of the IT Project (Electronic forms, payments etc.) have now been significantly eroded by an increase in workloads, additional role as a responsible authority under the Licensing Act 2003, pro-active working and the services involvement as a Safety Advisory Group in more and more events each year.

6.0 Statutory Role

- 6.1 The Licensing Service administers and enforces the Council's Statutory licensing functions placed upon the Local Authority through legislation. The business of the Service is wide and varied, ranging from dealing with street collections to sex shops and from pet shops to casinos.
- 6.2 In general terms, the role of the Licensing Service is to protect the public. How this is achieved varies between different legislation and systems; however the principle of protecting the public remains constant.
- 6.3 Licensing is not only concerned with the protection of those using the premises, vehicles or individuals that are licensed. It is also about protecting those that may be affected by those who hold licenses for example as a consequence of public nuisance resulting from the use of licensed premises.
- 6.4 The Council has a Licensing Committee who discharges the Council's Licensing Functions including setting policies and licence fees. Full Council has delegated its powers for Licensing to the Licensing Committee and it is only the Licensing Committee that in general terms can refuse or revoke a licence.
- 6.5 In most cases the individual legislation gives statutory powers to the Local Authority acting as the Licensing Authority to administer and enforce and/or undertake inspections. The Licensing Act 2003 and the Gambling Act 2005 also gives us powers to act as a responsible authority. This role permits us to make representations during the application process or to request the review of a premises licence where there are significant concerns.
- 6.6 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 places a statutory duty upon us to administer and enforce a system of Hackney Carriage and Private Hire Vehicle, Driver and Operator Licensing. A significant part of this role requires us to work late at night so that we can monitor the activities of licensed drivers and their vehicles.
- 6.7 Similar statutory requirements are placed upon us for all of the systems detailed in **Appendix "A"** attached. When considering the Services statutory role you need to always remember that ultimately we are here to protect the public, reduce crime & disorder, safeguard children and vulnerable adults, and to reduce public nuisance.

7.0 Service Aims & Objectives

- 7.1 I would like to concentrate on three areas as the key aims and objectives of the service moving forward. However, as you are now aware from the earlier paragraphs of this report we have a much broader and wide ranging vision and aspirations for the service.
- 7.2 I have chosen the three following areas as we believe these are pivotal to everything we do. The areas are Enabling, Education and Enforcement.
- **Enabling** - This is an extremely important role for the service and one that needs to be developed and perfected in the coming years. As a service we should be a conduit of information and advice to all those we work with. The service should be the pivotal piece of the jigsaw that joins all the other services, partners and customers together in early discussions and debate for the benefit of the city, the residents and the businesses themselves.

We need to ensure that potential developers/new businesses have a single point of contact that can enable their proposals/business to be discussed in an open and friendly manner that ensures such proposals/businesses would be a welcome addition to the city and its economy.

- **Education** - Part of our role as a licensing service is to assist in educating our customers, partners and residents of Sheffield who may come in to contact with our service and the businesses we regulate. The educational provision is around explaining what can be expected of us a licensing authority and what is expected of licensees/businesses under the legislation in accordance with conditions attached to their licences and as an integral part of local communities.

We want to put in to place more educational support over the next few years and to develop this area of work. This will enable us to work in partnership with other services and organisations to ensure we help keep the city a safe and welcoming place for people to live, work and visit.

We also need to raise the awareness of important issues within communities, schools and universities etc. such as CSE, alcohol harm, smoking, shisha, drugs, and gambling addiction etc.

- **Enforcement** - Licensing will enforce the law, regulations and bye laws etc. in a fair and consistent manner whilst offering advice and assistance wherever possible in line with our primary role as an enabling service. This will always be undertaken in a way that complies with statutory and procedural requirements.

Good enforcement secures compliance with regulations by using a combination of help, advice and formal action. The service aims to carry out its role in an open and friendly manner that is proportionate and consistent. We must be able to focus on what is important locally to the people of Sheffield.

As a service we need to look beyond the short term view when making decisions and take a more long term view about what is right to do and is in the public interest. Linked to this should be our approach to prevention, tackling issues before they happen. Prevention is clearly much better for licensees, businesses, residents and communities.

7.3 If as a service we are truly committed to our service vision and achieving what we have set out in our service plan and 5 year business plan it would be fair to state that at this moment in time we have some way to go before we can say that we are delivering what we set out to achieve over two years ago.

7.4 We are not currently delivering on our aspirations to be an enabling service, to deliver through education and to enforce efficiently when necessary. If we are honest we are still held back by the weight of administrative duties that are part and parcel of a licensing service.

8.0 Current Position

8.1 The service is good in relation to the administration of the Councils Licensing Functions. We meet the often very tight statutory timescales, receive very few appeals and have not been judicially reviewed for some time.

- 8.2 The service undertakes regular enforcement and inspections and changed its structure to assist in this role (see paragraphs 5.1 to 5.13). The new structure provides us with 8 Licensing Enforcement / Technical officers
- 8.3 The service generally has four staff working out of the office undertaking visits, inspections, pro-active work and enforcement on two days and two nights per week. On average each member of staff undertakes a 5 hour shift, this equates to approximately 80 hours per week.
- 8.4 In Quarter 1 (1st April and 30th June) we have undertaken 22 enforcement exercises in the evening. This equates to 10 midweek nights (6pm till midnight) and 12 weekend nights (various between 8pm to 5am).
- 8.5 The vast amount of our out of office work is undertaken in two key areas, taxi licensing and alcohol/entertainment licensing. These are the two largest systems we deal with and I would estimate we use up 60% of the time available in these areas.
- 8.6 I have set out below a breakdown in percentages of where officer time is spent during out of office work (inspections/visits/enforcement). Please note these are only estimates.

Taxis	-	35%
Alcohol/ Entertainment	-	35%
Gambling	-	10%
Street Trading	-	10%
Sex Establishments	-	5%
Others	-	5%

- 8.7 Set out below are some facts and figures to show what types of enforcement has been undertaken;

Taxis – we have undertaken spot checks on over 250 drivers and 400 vehicles as well as undertaking 30 operator checks. We have also undertaken targeted enforcement exercises at Sheffield Station, Carver Street and Tank Nightclub.

Alcohol /Entertainment – we have undertaken visits to over 300 licensed premises across the city.

- 8.8 Enforcements costs over £280K per year in establishment costs alone, in addition to this there are all the on costs for uniform, equipment, materials etc. (20K) and this must be recovered through income/fees.

9.0 Future Provision

- 9.1 We are unable to be 100% certain what impact the full implementation of our new IT system will have on the weight of existing administrative duties we undertake. However, further to paragraph 5.13 above we know the impact has reduced.
- 9.2 The new system will not impact on the inspection and enforcement of licensed premises and vehicles etc. We are only just keeping our head above the water and receive regular complaints from the trade(s) etc. that we are not undertaking enough work in this area.
- 9.3 There are several other duties/roles that we have not yet begun undertaking due to insufficient resources. This includes educational work, regular benchmarking and customer surveys etc.

- 9.4 As you can see from the information provided in the various sections of this report we have a clear vision and expectation of what we want to achieve. New work is being created all the time such as a need for a new "Training Course" for drivers delivered by the Licensing Service, this will require a significant amount of staff time to develop and deliver.
- 9.5 We need to be seen to be undertaking more work in the following areas;
- Hackney Carriage and Private Hire Licensing
 - Gambling Act – Betting / Bingo / Tracks / Casinos etc.
 - Animal Health Licences – Pet Shops / Riding Establishments etc.
 - Sex Shops & Sexual Entertainment Venues
 - Partnerships & Policies
 - Education
- 9.6 We need to balance the cost against the benefits and adopt an approach, if members agree to increase resources, and to establish / develop a 5 year enforcement (staffing) plan for the service.

10.0 Financial Implications

- 10.1 It is agreed that fees and charges should be set in a consistent way across the Council and that we are transparent about the fees we expect people to pay.
- 10.2 Licence fees must also be set in accordance with the relevant individual piece of legislation; The Provision of Services Regulations 2009; and any other associated legislation / regulations. Members should note that some systems do not fall within the scope of these regulations, one particular system is Taxi Licensing (licensing of vehicles, drivers and operators).
- 10.3 The Council is able to recover its reasonable costs of the Licensing Service with regards to the administration and enforcement of the terms and conditions of each of the above individual licensing systems.
- 10.4 Members should note that the Council can only recover the actual costs of delivering each individual system from the fees it charges applicants / licensees. It can't make a surplus from fees and must not use fees to subsidise any other licensing system or to offset other budgets or raise income generally.
- 10.5 The overarching principle and starting point for the setting of fees is that the Local Authority must only recover its reasonable costs of administering that individual system and enforcing the terms and conditions of those licences where applicable and that no irrelevant factors are taken in to account when setting such fees.
- 10.6 Should members consider that the service requires more resources to carry out its role in relation to administering and enforcing the licensing systems it deals with then the Chief Licensing Officer & Head of Licensing would have to provide a further report detailing the cost implications and the impact it would have on existing fees.

11.0 Summary

- 11.1 As a service we are here to carry out the statutory licensing functions of the Council in relation to those licensing systems that we administer and enforce.

- 11.2 We are here to protect the public from being detrimentally affected by those we licence with regards to;
- Public Safety
 - Public Nuisance
 - Crime & Disorder
 - Protection of Children & the Vulnerable
- 11.3 We can ensure we do this by delivering a service as set out in our "Service Plan" the "5 Year Business Plan" and one that helps deliver on the priorities in the Council's "Corporate Plan".
- 11.4 We need to do much more as a service in relation to being an enabling service, deliver through education to improve standards and enforce efficiently as and when necessary.
- 11.5 We need to recognise that new IT system will deliver significant benefits but the position of the service has changed significantly since the Achieving Change Process and the positive impacts from the project completion have reduced.
- 11.6 Members should look at Birmingham, Manchester and Leeds with whom we should compare ourselves and set a goal to be better than those authorities in 3 – 5 years.
- 11.7 We need to ensure that we continue to deliver and carry out all our statutory functions to the highest level possible. Deliver in a way that what we do is seen as best practice.
- 11.8 Ensure that the service is appropriately structured and resourced, and its relationships with its partners and other local authority services are such that it is best placed to deliver its primary function as an enabling service whilst complying with statutory and procedural requirements.
- 11.9 Consider the development of a "One Stop Shop" for licensing to deliver a more proactive approach, the development of a "Consultancy / Advisory Service" and the provision of electronic information, forms and guidance at the first point of customer interaction.
- 11.10 To accept the current position of the service as a solid foundation that has been well embedded to enable the service to move forward and deliver its vision and ambitions.

12.0 Recommendations

- 12.1 It is recommended that members request the Chief Licensing Officer and Head of Licensing to bring back a further report in January 16;
- detailing a five year enforcement plan with a proposal to increase resources if necessary; and
 - provide a detailed financial implications plan regarding the costs / impact on individual licence fees.

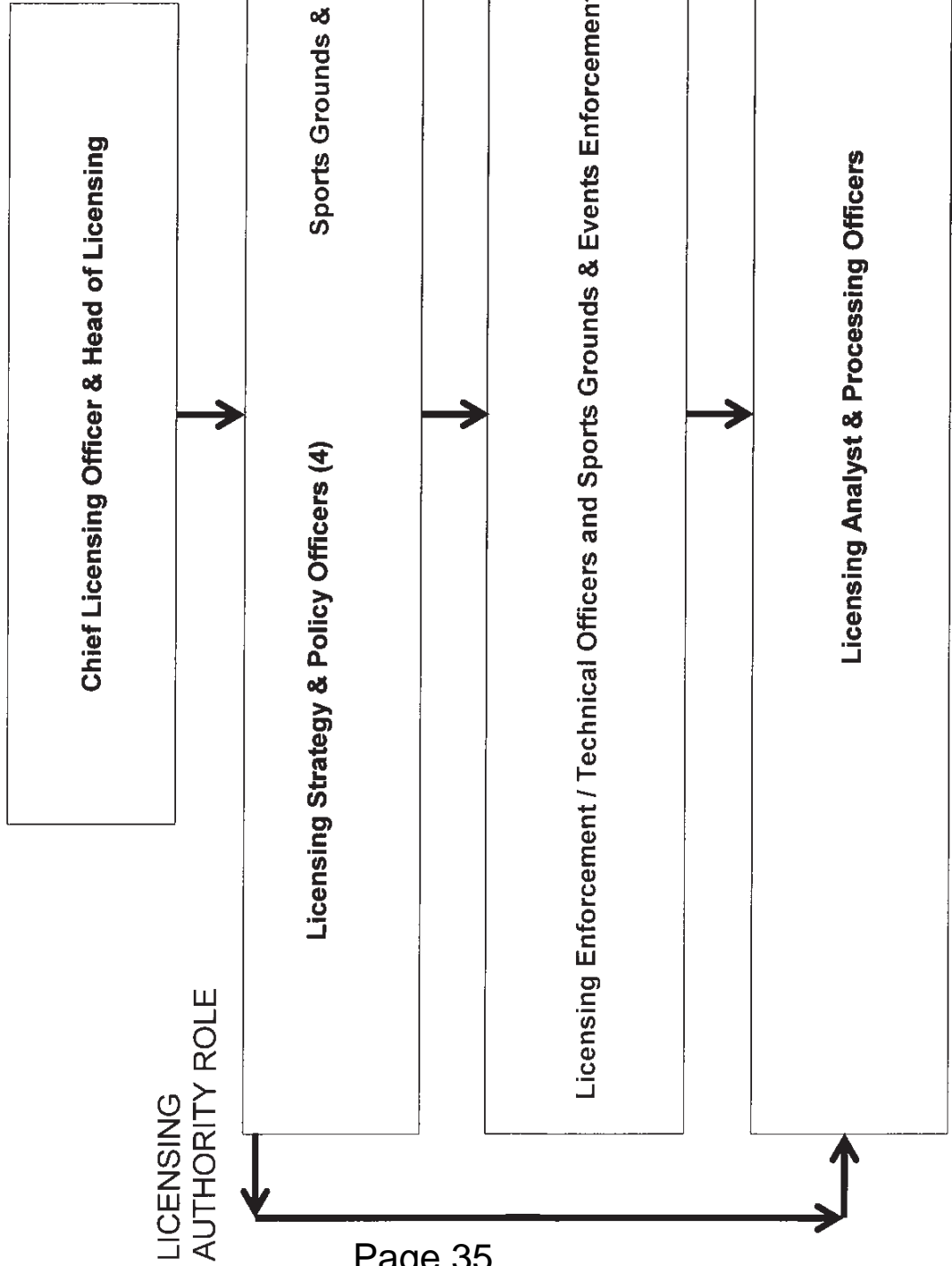
Steve Lonnia
Chief Licensing Officer & Head of Licensing
Licensing Service
Business Strategy & Regulation
Place
October 2015

LIST OF LICENSING SYSTEMS

1. Licensing Act 2003.
2. Gambling Act 2005
3. Safety of Sports Grounds Act 1975 (As Amended)
4. Fire Safety and Safety at Places of Sports Act 1987
5. Street Trading (Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4)
6. Sex Establishments (Local Government (Miscellaneous Provisions) Act 1982 – Schedule)
7. Street Collections (Police, Factories, etc (Miscellaneous Provisions) Act 1916
8. House to House Collections Act 1939
9. Pet Shops (Pet Animals Act 1951)
10. Animal Boarding Establishments Act 1963
11. Riding Establishments Act 1964
12. Dangerous Wild Animals Act 1976
13. Zoo Licensing Act
14. Dog Breeders (Breeders of Dogs Act 1973 / Breeding of Dogs Act 1991 / Breeding and Sale of Dogs (Welfare) Act 1999)
15. Commons Act 2006 (Commons & TVG's)
16. Scrap Metal Dealers Act 2013
17. Hypnotism Act 1952
18. Civil Marriages & Civil Ceremonies (Marriage Act 1949)
19. Private Hire Drivers, Vehicles & Operators (Local Government (Miscellaneous) Provisions Act 1976
20. Hackney Carriages Vehicles (Town Police Clauses Act 1847)
21. NEW Sexual Entertainment Venue Licensing
22. NEW Religious Premises Approved Premises Registration
23. Poisons Act
24. Second Hand Dealers Registration
25. Pavement Café Licences
26. Public Space Protection Orders
27. Skin Piercing etc.

LICENSING SERVICE STRUCTURE

1st APRIL 2014



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