

Licensing Committee

Thursday 18 February 2016 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, 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
18 FEBRUARY 2016**

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:-

12 October 2015
26 October 2015
27 October 2015
29 October 2015
2 November 2015
3 November 2015
10 November 2015
17 November 2015
24 November 2015
25 November 2015
8 December 2015
15 December 2015
4 January 2016
- 6. Review of the Hackney Carriage Vehicle Licence Limitation Policy: Intention to Undertake Unmet Demand Survey**
Report of the Chief Licensing Officer
- 7. Hackney Carriage and Private Hire Drivers' Policy - Approval**
Report of the Chief Licensing Officer

This page is intentionally left blank

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.

This page is intentionally left blank

Licensing Sub-Committee

Meeting held 12 October 2015

PRESENT: Councillors David Barker (Chair), Neale Gibson and Dianne Hurst

.....

1. APOLOGIES FOR ABSENCE

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

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 - ARCH 9, 9-11 WICKER ARCHES, WALKER STREET, SHEFFIELD, S3 8GZ

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 the premises known as Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

4.2 Present at the meeting were Michelle Hazlewood (John Gaunt and Partners, Solicitors, for the Applicants), Spencer Fearn and Nicholas Hussey (Directors, Arch 9, Applicants), Katie Johnson (General Manager, Arch 9), Howard Mee (Manor Operatic Society, Objector), Pete Roberts (Purple Wave AV, Objector), Tony Richardson (Fluid HD Limited, Objector), Sean Gibbons (Health Protection Services, Objector), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie 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 representations had been received from the Health Protection Service and two interested parties, and were attached at Appendix 'B' to the report. It was further noted that the representations received from the Environmental Protection Service had now been withdrawn following the agreement of conditions between the Service and the applicants.

4.5 Sean Gibbons reported that there had been a considerable level of dialogue

between the Health Protection Service and the applicants, both prior to, and following the submission of, the application. The outstanding objections raised by the Service related to the capacity of the venue and, following extensive consultation with the applicants, which included numerous site meetings, the capacity had now been reduced from 800 to 515, which comprised 308 in the main ground floor room, 60 in the first floor VIP area and 147 in the mezzanine area. Mr Gibbons confirmed that Building Control Completion Certificates had now been agreed in respect of the ground and first floors, including the VIP area, but the Service was still awaiting the full sign off in respect of the mezzanine area.

- 4.6 In response to a question from the Chair, Mr Gibbons indicated that he was now satisfied that the applicants had taken appropriate action to deal with the Service's concerns, subject to the mezzanine area.
- 4.7 Pete Roberts, who leased Arch 7, and sublet part of the premises to Tony Richardson, Fluid HD Limited, stated that his main aim was to safeguard the investment he had made in his company. He stressed that he did not object to the opening of the nightclub, but had concerns over the operation of the venue. He stated that he had seen a decline in the area, with drug use and dealing being common and, despite the police and Council being aware of the problems, whilst steps had been taken to clear up syringes and other equipment left, there appeared to be no solution in terms of putting a stop to the problems. Mr Roberts stated that both his and Mr Richardson's business units were required for use 24 hours a day, seven days a week, and were often used for voice-over recordings. He was therefore concerned that noise breakout from the premises could have an adverse effect on their businesses.
- 4.8 Tony Richardson also referred to the problems of car parking in the area, indicating that, as a result of people driving to the venue, and leaving their vehicles overnight, it was often difficult for himself and Mr Roberts to park near their business premises, which created problems as they often had to carry heavy, expensive equipment to and from their premises.
- 4.9 In response to questions from Members of the Sub-Committee, Mr Roberts stated that whilst he was aware of the existence of a nightclub at the same location in the 1990s, and the problems associated with that club at that time, he did not necessarily consider that the current operation would be similar to that in the 1990s. He did, however, have concerns, given the location and reputation of the former nightclub. Businesses in the other occupied arches, and the immediate area included a garage, car mechanic, bike repair and sales shop, used car tyre fitters, a scaffolding company and a motorcycle parts shop, with one unit currently being vacant. The previous nightclub had been forced to close on two separate occasions for breaches of the licence conditions, and was eventually closed permanently on the recommendation of the Fire Service. When Mr Roberts leased Arch 7, he had been informed that there would not be another nightclub in the area, therefore had the impression that the area was going to comprise mainly residential/office accommodation. Mr Roberts had contacted the police on a number of occasions to report incidences of drug taking and dealing, with images of such actions being caught on his company's CCTV. Whilst the police had called round to the area on a number of occasions, they had not been able to

catch anyone taking or selling drugs. Whilst Mr Roberts had some concerns in terms of noise breakout from the venue, his main concerns focused around the anti-social behaviour in the area, and the problems associated with car parking, particularly the problems he and Mr Richardson were likely to face when loading heavy, expensive equipment in and out of their business premises.

- 4.10 Howard Mee, on behalf of the Manor Operatic Society, stated that the Society had leased three units, Arches 27, 29 and 31, since 1997, and which were situated directly opposite Arch 9. The units were used by the Society for rehearsals – usually three to four evenings a week – and to make props, hold meetings and store equipment and, as well as the renowned Christmas pantomime at the City Hall, the Society also produced a show at the City Hall in May/June each year, resulting in the units being used throughout the year. There were concerns with regard to the safety of members leaving the premises late in the evening, as well as there being issues with regard to car parking outside their premises. Mr Mee referred to an incident over the Christmas and New Year period, when the Society's premises were being used in connection with the Christmas pantomime, when there were cars and camper vans parked all along Walker Street, with people drinking alcohol and taking and dealing drugs. Syringes and broken bottles had been found outside their doorway and it was considered that the granting of the licence would significantly add to crime and disorder in the area. In addition, it was considered that, as it was an isolated area away from the main entertainment areas in the City, it would not be policed adequately.
- 4.11 In response to questions from Members of the Sub-Committee, Mr Mee stated that the Society's main concerns focused around the safety of its members, who were aged from eight to 80, when arriving and leaving the premises late at night. He added that he would be happy for the nightclub's security staff to keep an eye on the safety of the Society's members, when arriving and leaving their premises.
- 4.12 Michelle Hazlewood, on behalf of the applicants, stated that the premises had been used as a nightclub in the past, and had hosted the internationally renowned Gatecrasher club. The Wicker Arches were owned by Network Rail, who leased the internal units, and as the Arches were Grade 2 listed, this had made the refurbishment works very difficult, as well as expensive. The applicants had spent considerable time and expense in refurbishing the premises, both to create an attractive venue, and in compliance with the requirements of the responsible authorities. It was not considered that there would be major problems with regard to noise breakout from the premises in the light of the existing levels of background noise in the area at present, from traffic and the various garages and car and motorbike repair shops in the area. In addition, the police had raised no objections to the application, subject to a condition with regard to the use of CCRAC (City Centre Retailers Against Crime) radio, which the applicants had agreed to. Whilst it was accepted that there was anti-social behaviour in the area, which included drug taking and dealing, it was considered that the more people attracted to the area would force such behaviour away and help to improve the area.
- 4.13 Ms Hazlewood stated that the Directors had considerable experience in business and the music industry, with one being involved in the promotion of major events

and the other being a well-renowned DJ, having experience in running nightclubs in other major cities, and having a good knowledge of the music industry in general. In addition, the Designated Premises Supervisor had worked with the Directors for 10 years, and was very experienced in running nightclubs. Reference was made to the numerous changes made to the layout of the premises, with the majority of such changes being requested by the responsible authorities, and which had all been made swiftly and to the correct specification. Ms Hazlewood made reference to the first floor, indicating that, when the venue was established, there were plans to use the VIP area as a café during the day, as well as for hosting corporate events. There were also plans to use the mezzanine area, which was considered a very iconic space, for corporate events and exhibition space. In terms of general operational issues, Ms Hazlewood stated that the applicants would be adopting Challenge 25, would be undertaking strict checks of customers entering the venue, which would include having a drop box for any illegal substances or items confiscated by security staff, and there would be CCTV throughout the premises, which met standard police specifications. It was not considered that there would be any major issues in terms of noise breakout from the premises as the nightclub would not be opening until 21:00 or 22:00 hours and, as there was no dedicated stage area, there were no plans to have regular live music. The applicants had worked very closely with the police in connection with the licence conditions, which had included the agreement of a condition relating to the use of CCRAC radio. In terms of security, the applicants would be using the company, Security Alert, as well as employing a number of local security staff, with the team being headed up by a local, well-renowned security officer. The venue had hosted five events at the premises, using Temporary Event Notices (TENs), which had resulted in very little, if no, negative feedback. The applicants had specifically requested feedback from the police following the first two such events, and the police had not chosen not to respond.

- 4.14 Mr Fearn referred to the plans to put on a party bus, to transport customers to and from the venue, which would pick up and drop off customers at given times and locations, which would be advertised prior to events. He stated that this would not only ensure safe travel arrangements for customers visiting the club, particularly for students who may not be familiar with this area of the City Centre, but would also help with the car parking problems on Walker Street.
- 4.15 Ms Hazlewood also referred to the licence conditions relating to the safeguarding of children which had been discussed and agreed with Julie Hague, Sheffield Safeguarding Children's Board. In connection with the concerns raised with regard to noise breakout, Ms Hazlewood stated that the tests carried out at the premises prior to the installation of the sound equipment had indicated a high level of background noise - approximately 60 dB – which dropped to a lower level at night. As a result of the design and insulation installed, and the fact that there was a double-lobby entrance door, it was not considered that noise breakout would be an issue. The decking area to the rear of the premises, which was originally wooden, but was currently being replaced by a metal structure, would have limited use after 23:00 hours, being designated as a smoking area only, with the capacity of 40, and with no drinks allowed in the area. The decking area was also covered by the venue's CCTV. Ms Hazlewood concluded by stating that if

the applicants decided to move on, there would be a safety net in that the current Premises Licence would be transferred to any new owners, with all the existing conditions. There had been no objections from the local Planning Authority and that the parking concerns in the area would be an issue for the Highways Authority to deal with.

- 4.16 Spencer Fearn indicated that he had been born and brought up in Sheffield, thereby having a strong affinity to the area, he wanted to create a successful nightclub for the people of Sheffield.
- 4.17 Nicholas Hussey stated that there was a huge potential in the City for such a club, and that he had received very positive feedback in respect of the plans.
- 4.18 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Fearn referred to the proposed times in terms of the party bus, indicating that, whilst people would leave the club at different times, the party bus would arrive at the venue at closing time, when it was hoped that the majority of customers requiring a lift home, would use the bus. The venue's security staff would also be around to help and guide people leaving the venue. The reduction in the capacity, from 800 to 515, at the request of the Health Protection Service and the Fire Service, would not have a major effect on the venue's income as the applicants had only envisaged around 400 to 500 people attending the club. Whilst consideration had been given to installing UV lighting in the toilets, as a means of deterring drug use, following discussions with the police, it had been decided that this would not be required. Similarly, as regards the entry system, the police had not considered it necessary to have any metal screening equipment. Whilst the plan was to build up customer numbers, both during the day and for the main club events at night, it was not envisaged that there would be anywhere near the capacity number attending the venue during the day. The applicants had discussed the issue of the venue's security staff looking out for any problems in terms of security issues linked to other business premises in the area. Mr Fearn stated that he had discussed this issue with Mr Mee, and would welcome contact from Mr Roberts. Whilst the current entry arrangements involved customers paying cash on the door, as and when the club gained popularity, and for the larger events, entry would be by ticket only. Security staff would be on hand to deal with any problems caused by people not gaining entry. Although there was no condition relating to the clearing up of litter, staff were already undertaking this task, often walking all the way down Walker Street. There would be 22 members of staff on duty during club nights, which figure would be included in the overall capacity of 515. In terms of the external decking area, works had commenced to replace the original wooden decking, with metal decking, with the sides being heightened in order to stop people throwing anything from the area. The specification of the new metal decking would be forwarded to the Health Protection Service for approval.
- 4.19 In response to a question from the Solicitor to the Sub-Committee, the objectors stated that apart from problems of litter on Walker Street, they had no concerns following the events held under the TENs at the venue on 24th September and 1st, 2nd, 3rd and 9th October 2015.

- 4.20 Michelle Hazlewood summarised the case on behalf of the applicants.
- 4.21 Andy Ruston reported on the options open to the Sub-Committee.
- 4.22 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.
- 4.23 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.24 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.25 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ., in the terms requested, in accordance with the amended operating schedule and subject to the addition of the following condition:-

The morning following the premises being open, the area spanning 100 metres from the front of the premises, will be cleared of litter originating from the use of the premises.

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

5. LICENSING ACT 2003 - 283 ECCLESALL ROAD, SHEFFIELD, S11 8NX

- 5.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing act 2003 to vary the Premises Licence in respect of the premises at 283 Ecclesall Road, Sheffield, S11 8NX.
- 5.2 Present at the meeting were Chia Hevedi (Applicant), Havin Hevedi (Applicant's partner), Councillor Aodan Marken and Judith Harrison (Objectors), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from a Councillor and two members of the public, and were attached at Appendix 'C' to the report. One of those objectors did not attend the meeting and the other was unable to attend, but was represented by a friend. Councillor Marken confirmed that he was making representations on behalf of a number of his constituents.

- 5.5 Judith Harrison confirmed that she was attending on behalf of Jill Thompson, who was unable to attend the meeting, and stated that she had lived in the area since 1985. She stated that there were increasing problems of public nuisance on Ecclesall Road, particularly late at night, when background noise levels were lower, resulting in any noise travelling further, having an adverse effect on residents in the area. Ms Harrison made reference to an agreement she believed had been made some time ago, whereby licensed premises on Ecclesall Road were not allowed to open after 23:00 hours. She made specific reference to Papa John's pizza takeaway which was situated very close to the premises and, which opened until 03:00 hours, creating problems of noise nuisance and litter in the area. Ms Harrison concluded by stating that granting yet another licence for the sale of alcohol until such late hours would add to the existing problems of noise nuisance for residents in the surrounding area, particularly children.
- 5.6 In response to questions from the Solicitor to, and Members of, the Sub-Committee, Ms Harrison stated that her understanding of the 'curfew' she had referred to, related to attempts some time ago by the Licensing Authority to restrict licensed premises on Ecclesall Road opening after 23:00 hours. Marie-Claire Frankie stated that there was no such arrangement in place, and that each application would be considered by the Sub-Committee based on its own merits. Andy Ruston added that he believed it was a historic, unofficial arrangement adopted by the Planning Authority, relating to licensed premises on Ecclesall Road, but confirmed that there were not, nor had been, any rules/regulations relating to a 'curfew' on the part of the Licensing Service. Ms Harrison elaborated on her comments relating to how children in the area will be affected, indicating that there were several children who lived on and around the Ecclesall Road area, who would be affected by not being able to get a sufficient amount of sleep to prepare themselves for school the following day, as a result of the increasing levels of noise nuisance in the area.
- 5.7 Councillor Aodan Marken, on behalf of constituents, made reference to the planning application for the premises to open until 03:00 hours, 6 days a week, as Chunky's Fast Food, in 2013, which was turned down, and subsequently confirmed by the Planning Inspectorate on appeal, in February 2014. He stated that he shared the concerns of many local residents and community groups in terms of the potential increase in noise nuisance, anti-social behaviour and littering if this premises was able to open until 03:00 hours. Councillor Marken made specific reference to the Planning Inspectorate's report regarding the decision on Chunky's Fast Food, highlighting the comments relating to the need to strike a balance between business needs and the needs of local residents regarding reasonable living conditions and the residents' concerns about noise and disturbance late at night. Further comments indicated that the opening times, as proposed, would result in the units being open later than surrounding businesses with the exception of one nearby bar, and as such, the takeaway would be likely to draw custom from patrons leaving bars, at closing time, resulting in increased activity in the area around the premises. Such activity could take the form of people congregating in the vicinity of the site, noise from talking and shouting, and an increase in vehicle movements, with attendant engine noise and noise from car doors closing. As a result, there would be greater noise and disturbance to local residents, above that

which currently existed, causing significant harm to living conditions.

- 5.8 In response to a question from Marie-Claire Frankie, Councillor Marken confirmed that he was representing approximately seven/eight members of the Botanical Gate and Broomhill Park Community Associations.
- 5.9 Chia Hevedi put forward his case, indicating that there was a clear difference in terms of his proposed business and the previous business on the premises. He stated that his business would comprise a convenience store, specifically targeted at the local community, selling general convenience food, newspapers, hot drinks and alcohol. He stated that he wanted to continue with the late opening hours – to 03:00 hours – in order to maximise his opportunities in terms of sales. He also stated that he would use the extra hours, both in the morning and at night, for deliveries and arranging stock, when business was more likely to be quiet. Mr Hevedi stated that he would be employing well-trained staff, who would all be familiar with the various rules and regulations associated with the operation of a licensed premises and that he would be having a refusal book and operating the Challenge 25 scheme. Mr Hevedi concluded by stating that he wanted to achieve a good balance between operating a successful business and serving the local community.
- 5.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Hevedi confirmed that he currently managed eight similar convenience stores across the country, which opened until varying times, one being a 24 hour store on Arundel Gate. He confirmed that he would be happy to talk to the Licensing Service and the Sheffield Safeguarding Children's Board in connection with the training of his staff and stated that, whilst he had employed security staff at one of his stores, during late night/early morning, he had decided not to continue with them, as a result of there being little need for security, and from a financial point of view. In terms of measures to stop customers drinking alcohol purchased from the store, outside the premises, Mr Hevedi stated that, whilst he didn't envisage any problems in this regard, he would move anyone on who was seen doing this. It was more likely that he would refuse to serve people who he believed would be likely to consume the alcohol outside his premises. Mr Hevedi indicated that he would be purchasing his alcohol from a reputable supplier. In terms of the late opening hours, Mr Hevedi confirmed that he wanted to maximise sales in order to cover the high rental charges, but stated that, if it was not proving worthwhile from a business point of view, he would close earlier. He envisaged that approximately 30 to 35% of sales would relate to alcohol. There were no plans to sell single bottles or cans as he wanted to target a specific clientele and, whilst he wished to keep his options open in terms of the sale of super strength beer, cider or lager, he did not consider that there would be much demand for this from his targeted clientele. Mr Hevedi would be providing litter bins and would be encouraging customers to use them. Whilst he had not spoken to any community groups or local residents in connection with his plans, on the basis that he was not familiar with any such groups, he indicated that he would like to talk to local people, and seek their comments as to what kind of produce they would like to see on sale in the store. Mr Hevedi stated that he was expecting the majority of his alcohol sales to be between 17:00 and 21:00 hours, on Fridays and Saturdays. Whilst he acknowledged that previously, people leaving bars in the

area had visited Chunky's Fast Food and eaten the food outside the premises, creating a noise nuisance for local residents, he did not envisage people doing the same in terms of purchasing alcohol from his store. He considered that the majority of his customers would comprise people walking home from work, and purchasing a bottle of wine or spirits. Mr Hevedi did not envisage any deliveries to the premises early in the morning or late at night as the company he would be purchasing the majority of his produce from had set delivery times. It was planned that the stock would be left at the rear of the premises and, when convenient, and depending on the nature of the produce, the goods will be moved into the store. Although Mr Hevedi had similar stores in London, he had recently relocated to Sheffield, therefore would be spending a lot of time managing and keeping an eye on his businesses in the City.

- 5.11 Mr Hevedi summarised his case, stressing again that his business would be totally different from Chunky's Fast Food, which previously operated from the premises.
- 5.12 Andy Ruston reported on the options open to the Sub-Committee.
- 5.13 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.
- 5.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.16 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of 283 Ecclesall Road, Sheffield, S11 8NX, in the terms now requested.

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

6. LICENSING ACT 2003 - OMG, 53-59 WEST STREET, SHEFFIELD, S1 4EQ

- 6.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003 to vary a Premises Licence in respect of the premises known as OMG, 53-59 West Street, Sheffield, S1 4EQ.
- 6.2 Present at the meeting were Andy Grimsey (Popleston Allen, Solicitors, for the Applicants), Mathew Causon (Applicant), Councillor Rob Murphy and Sona Mehra (Objectors), Neal Pates (Environmental Protection Service), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

- 6.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 6.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from two local residents and a local Councillor, and were attached at Appendix "C" to the report. It was further noted that representations from a local resident and the Environmental Protection Service had been withdrawn following discussions with the applicants and the agreement of conditions with the applicants, respectively. Neal Pates attended the hearing to respond to any questions raised.
- 6.5 Councillor Rob Murphy, making representations on behalf of four constituents, stated that he was objecting to the application on the grounds of public nuisance and, despite the withdrawal of the representations by the Environmental Protection Service, he requested that the Sub-Committee gave serious consideration to the issues being faced by residents living in this area of the City Centre, regarding noise nuisance and anti-social behaviour, particularly as the opening hours of venues was being extended further into the night/early morning, leaving them with a very small window of uninterrupted sleep. Councillor Murphy stressed that he had no objections to the venue opening, but had concerns regarding the impact of the venue opening until 04:30 hours Friday and Saturday, and 03:30 hours Wednesday and Thursday, on residents living nearby. He pointed out that it was not simply a case of noise nuisance whilst the venue was open, but local residents had to put up with noise associated with people leaving the venue, as well as by taxis arriving to pick customers up.
- 6.6 Sona Mehra reiterated the concerns raised by Councillor Murphy, stating that whilst she accepted that her family would have to put up with a certain level of disturbance living in the City Centre, her main concern was the fact that once one venue applied to extend its opening hours, others were likely to follow, resulting in local residents living nearby such venues getting very little sleep. Ms Mehra stated that, at the present time, things had generally quietened down by 04:30 hours, which enabled her and her family to get some sleep before Supertram and the cleaning services started between 06:00 and 06:30 hours. If this venue was to open until 04:30 hours, by the time everyone had moved out of the area, it would be nearly 05:30 hours, thereby reducing the quiet time to allow for sleep. Ms Mehra also made reference to the fact that the viewing balcony of the premises was straight in the line of vision with her apartment, resulting in people being able to see into her apartment. This meant that she had to have her curtains closed nearly all night.
- 6.7 In response to questions from Members of the Sub-Committee and the applicant's representative, Ms Mehra stated that when she moved into her apartment some years ago, the majority of venues closed at 24:00 hours and she had been informed that any changes to these times would be undertaken in consultation with residents living nearby. If she had known that opening hours were as they are now, she would not have moved there. Ms Mehra stated that she had two children, and her daughter was doing her GCSEs in 2016, and was concerned that her inability to have a decent night's sleep would have an adverse effect on her ability to study and revise for her exams. She had contacted the Environmental

Protection Service on a number of occasions to report problems of noise breakout from venues in the area, only to be informed of the difficulties the Service faced in attempting to undertake noise level testing when the venue was open. The Service was not responsible for, and would not investigate, any issues of noise nuisance caused by customers leaving the venues. Ms Mehra stated that on Friday and Saturday nights, her family regularly had to put up with shouting and often witnessed people vomiting and/or urinating on the street below their apartment. Although the apartment was double-glazed, they were often unable to open their windows in summer due to the noise levels from outside. She also made reference to the fact that the venue's VIP gallery was situated in line with one of their bedrooms, resulting in the family having to keep the curtains closed most of the time, and them being unable to use their own balcony. Councillor Murphy supported Ms Mehra's views, by stating that whilst he accepted that people lived in the City Centre by choice, when the vast majority of people moved some years ago, when the first apartment blocks were constructed, all the venues were closed by 02:00 hours.

- 6.8 In response to questions from Members of the Sub-Committee, Neal Pates stated that the Council received frequent complaints of noise nuisance regarding licensed premises on West Street, and whilst some were made directly to the Environmental Protection Service, they were mainly received through the '101' non-emergency number. It was very difficult to target the noise nuisance to one particular premise, particularly in the area around the bottom of West Street, where there were a number of licensed premises. The Service was able to respond to complaints of noise breakout related to licensed premises more effectively, as opposed to complaints where noise was being generated by people leaving venues, and walking through town. However, although officers visited premises, following complaints, it was very difficult for them to carry out noise level testing when there was a large number of people around, with several of them being drunk. A large number of cases, where the Service had undertaken noise level testing in terms of noise breakout relating to licensed premises, had resulted in conditions being placed on venues' Premises Licences. Mr Pates stated that problems regarding anti-social behaviour outside venues, including glasses being taken outside and broken, was the responsibility of the police or the Health Protection Service. Whilst conditions imposed on venues were effective in monitoring/limiting noise levels, the only way to stop problems of noise nuisance outside venues would be to reduce opening hours.
- 6.9 Andy Grimsey put forward the case on behalf of the applicants, indicating that whilst he understood the concerns of local residents in terms of the extension of opening hours, there were sufficient safeguards in place, and a number of ways of dealing with problems linked to licensed premises. He stated that Mathew Causon had met with representatives from all the relevant authorities in August 2015, to discuss the proposals, and the outcome of such discussions had assisted him in drafting the application for the variation of the Premises Licence. Mr Grimsey highlighted the fact that, following the submission of the application, there had been no outstanding objections from any of the responsible authorities and, following discussions with one of the local residents who had objected to the application, the resident had subsequently withdrawn her objections. Mr Causon stated that his company managed a number of gay clubs across the country, but

mainly concentrated in the south, and that the venues were well known for attracting Lesbian, Gay, Bisexual, Transgender (LGBT) people from a large catchment area. The plan was to create a community venue, and would be targeting a specific clientele. Extensive noise attenuation measures had already been undertaken at the premises, with acoustic foam being installed on the facade fronting on to West Street.

- 6.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and the objectors, Mr Causon stated that the gay club scene was seen as a very safe environment, and he wouldn't wish to compromise this by admitting anyone he considered would adversely affect the atmosphere at the venue. In addition to this, there were no plans to televise any sporting events or hold any activities of a similar nature. Whilst there were plans to consult with the LGBT community in Sheffield, due to the amount of work required at the premises, Mr Causon had only been in contact with the two Universities. If large groups of people tried to gain entry to the venue late on, they would not be let in. In terms of consultation with local residents and local community groups, Mr Causon stated that he had spoken to a woman who represented one community group, and had emailed a number of other local residents in connection with the application.
- 6.11 Andy Grimsey summarised the case on behalf of the applicants.
- 6.12 Andy Ruston reported on the options open to the Sub-Committee.
- 6.13 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.
- 6.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 6.15 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 6.16 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of OMG, 53-59 West Street, Sheffield, S1 4EQ, in the terms requested, and in accordance with the amended operating schedule.

(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 26 October 2015

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

.....

1. APOLOGIES FOR ABSENCE

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

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 - REFLEX/FLARES, 18 HOLLY STREET, SHEFFIELD, S1 2GT

4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003 to vary a Premises Licence, in respect of the premises known as Reflex/Flares, 18 Holly Street, Sheffield, S1 2GT.

4.2 Present at the meeting were Clare Eames (Popleston Allen, Solicitors, for the Applicants), Andrew Graham (Manager, Reflex/Flares), Jonathon Guest (Area Manager, Reflex/Flares), Councillor Rob Murphy and Sona Mehra (Objectors), Neal Pates (Environmental Protection Service), Emma Rhodes (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Emma Rhodes presented the report to the Sub-Committee and it was noted that representations had been received from three local residents and a local Councillor, and were attached at Appendix 'C' to the report. It was further noted that representations from the Environmental Protection Service had been withdrawn following discussions with the applicants and the amendment of their application and operating schedule. Councillor Rob Murphy and one of the local residents attended the meeting to make representations. Neal Pates attended the meeting to explain the actions of the Environmental Protection Service and to respond to any questions raised.

4.5 Neal Pates stated that he had originally raised objections to the application on the

grounds that he was concerned that extending the opening hours every day of the week and on a large number of special dates would have an adverse impact on the quality of life of local residents living within the vicinity of the premises, including both noise breakout from the premises and noise in the streets from people and vehicles associated with the night-time economy. He also indicated that he was mindful of the opening hours of other licensed premises in the area. Mr Pates confirmed that he was happy with the outcome of his discussions with the applicant's solicitor, which he considered was a reasonable compromise. He concluded by stating that the Environmental Protection Service (EPS) received a number of complaints of noise nuisance relating to licensed premises in the City Centre, but very few related to Reflex/Flares.

- 4.6 In response to questions from Members of the Sub-Committee, Mr Pates stated that, although there appeared to be some confusion in terms of the nature of those complaints received regarding the premises in 2009, the Service had received complaints regarding litter and broken glass outside the premises, with no complaints regarding noise nuisance having been received in the last few years. The reference on the premises' existing Premises Licence to the sale by retail of alcohol for consumption both on and off the premises was a historic reference on the Licence and it was confirmed that drinks were not allowed to be taken outside the premises, nor were any customers allowed to purchase alcohol from the premises to take home. There were venues in and around West Street which attracted more complaints of noise nuisance from residents and, ideally, the EPS would like to see a limit in terms of opening times as any further extensions were likely to result in an increase in complaints of noise nuisance.
- 4.7 Sona Mehra stated that she had lived in her apartment, with her husband and two children, for six years and that when she first moved there, although the majority of venues in the area were in existence, they closed earlier. Ms Mehra stated that both her and her husband worked and often had to be up around 05:30 hours, and that if this application was granted, it would result in the quiet time, when they were able to sleep, being reduced even further. She was particularly concerned as there appeared to be no consideration given by the Council to the quality of life of those residents living in this area of the City Centre, both with regard to opening hours and the number of venues. There were six licensed premises within the immediate vicinity of where she lived, which resulted in residents suffering noise nuisance in terms of breakout from the premises and from people leaving the venues. She stated that each time an application to extend opening times was granted, this resulted in the quiet time – from when the venues closed and everyone had gone home, to when the Supertram started running and the City Centre cleaning operation commenced – being reduced. Ms Mehra made specific reference to the fact that her eldest daughter was studying for her GCSEs, and she was concerned that her ability to study and revise for her exams in 2016 could be affected by the noise nuisance. She also stated that, as a result of the noise, the family had to close all their windows in summer, and were forced to use a fan. They also had to close the curtains in all their rooms, and were not able to use their balcony in order to protect their children from witnessing the regular anti-social behaviour on West Street. The family had been forced to spend weekends away from their home in order to get a proper night's sleep. She stated that the Council needed to do more to encourage families to move into the City Centre, but considered that if

applications such as this were being approved, a lot more families would be forced to move away. Ms Mehra concluded by stating that the reason other residents had not made representations, or attended the meeting, was that they had given up complaining as they considered that their concerns were being ignored.

- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Mehra stated that the problems of noise nuisance and anti-social behaviour were particularly bad on Fridays and Saturdays, although she was very concerned at the number of additional days where the applicants had requested extended opening times, which could fall on any day of the week. The problems were worse when people were queuing to get into venues, when moving from one venue to another and when leaving the venues at the end of the night. Ms Mehra accepted that her concerns related to the bigger picture with regard to problems caused as a result of venues staying open longer, and that, other than finding broken glass around the premises, which the premises may not be responsible for, she could not report any specific problems relating directly to Reflex/Flares. She confirmed that the entrance was on Holly Street, therefore there were no major problems of noise nuisance caused by people queuing to get into the venue. Whilst there were no issues in terms of people being able to look into her property from the venue, there were issues in terms of people leaving the venue and walking past their property. Ms Mehra confirmed that she and her family often found glass bottles, some broken, outside her apartment and in the passageway next to the entrance to their apartments.
- 4.9 Councillor Rob Murphy, speaking on behalf of a number of his constituents, referred to the potential adverse effects of the extended opening hours at the premises on those residents living in the apartments in the immediate vicinity, namely West Point, Broughton House, Morton House and the former Education Department offices on Holly Street. He made reference to one specific constituent, who had been forced to move out of his apartment on Holly Street due to the problems of noise nuisance and anti-social behaviour, and was now struggling to rent the apartment. He added that this particular resident had not bothered to make objections to the application as he did not think the Council would listen to him, as had been shown on previous occasions. Councillor Murphy expressed his concerns at the 'creep' in the extended opening hours of licensed premises in this area of the City Centre, indicating that the Council needed to take further action and draw a line in terms of the opening hours as it was now becoming unbearable for some residents living in that area. If this application was granted, it would reduce the already small window of uninterrupted sleep for residents. He stated that it had come to the point that residents almost accepted the additional noise and anti-social behaviour at weekends, but expressed concerns at the number of additional days the applicants were requesting extended opening hours for, such as the Saints' Days, which could fall on any day of the week. He concluded by stating that there was a need for the Council to consider the balance between residents' quality of life and the night-time economy, and that if this application was granted, it would cause further inconvenience for residents.
- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Councillor Murphy stated that whilst this issue had not resulted in any significant casework, he had received a number of complaints from constituents

regarding public nuisance and the lack of action being taken by the Council in response to such complaints. He confirmed that other than the issue of one of his constituents being forced to move out of his property on Holly Street due to the noise and anti-social behaviour linked to Reflex/Flares, the only complaints he had received, which related directly to the premises, were in relation to noise issues regarding glass bottles being emptied into the bins late at night.

- 4.11 Clare Eames, on behalf of the applicants, stated that Andrew Graham had been involved in the operation of Reflex/Flares since 2010, being the Designated Premises Supervisor (DPS) since 2012, thereby having a considerable level of experience in managing licensed premises. Prior to submitting the application, the applicants had researched the area and had undertaken extensive pre-consultation with the responsible authorities. They considered that the additional hour on Fridays and Saturdays would be suitable, and would not undermine the licensing objectives. Whilst it was accepted that there were a number of additional days on which the opening times would be extended, the applicants had considered that it would be more helpful to local residents and the responsible authorities to name these days so that people were aware, and could make any necessary arrangements. Ms Eames stated that the venue did not always stay open until the designated closing times, but this application would provide the applicants with flexibility to do so if required. Reference was made to the additional papers, which had been circulated to all relevant parties prior to the hearing, specifically to invites to Councillor Murphy and local residents living within the immediate vicinity of the premises, to a meeting with management on 13th October, 2015, providing them with an opportunity of discussing any concerns they had in connection with the application. Whilst Councillor Murphy had responded, stating that he would be happy to talk to the applicants in the event of the application being granted, no residents had attended the meeting. Ms Eames made the point that the venue only used polycarbonate, therefore any problems regarding broken glass on the surrounding streets could not be attributed to the venue. There had been an issue regarding the use of the external bins, whereby another company had been found to be using them, but action had now been taken to lock and secure the external bin area. As the entrance to the venue was on Holly Street, it was not envisaged that there would be any major problems of noise nuisance to those residents living on West Street, and any likely problems of noise breakout from the venue would be minimised as there were two doors in the entrance lobby. She stressed that if there were any issues causing concern for local residents, the venue's management were very experienced and would be pro-active in dealing with any problems. Reference was also made to the company's Licensing Manual, which contained details of all relevant policies and procedures, in which all the Company's staff had been trained in. Ms Eames concluded by stating that there was no evidence in the representations of problems of public nuisance being directly attributed to Reflex/Flares and, if there were any such problems in the future, she was confident that the venue's management would be able to deal with it.
- 4.12 Jonathon Guest stated that, as the entrance was on Holly Street, the majority of customers would leave the venue at the end of the night and either get a taxi on Holly Street, or walk down to the taxi rank at Barker's Pool. He stated that he would be willing to meet with any residents to discuss their concerns.

- 4.13 In response to questions from Members of the Sub-Committee and the objectors, Mr Graham confirmed that customers were not allowed to take drinks past the inner door in the entrance lobby, let alone outside. There were rarely any problems in terms of noise breakout from the entrance as a result of the double doors and, although both doors may be kept open longer when larger groups of customers were arriving or leaving, the doors were never permanently left open. Mr Graham had been the DPS at the venue for four years and during that time, he had received no correspondence or been approached by any local residents or representatives of the responsible authorities, regarding complaints or issues of noise nuisance. As part of the licence conditions, management attended monthly Pub Watch meetings, which were attended by licensees of venues in the City Centre, the police, local residents and any other interested parties, to discuss any issues of concern with regard to the licensed trade. The venue's management would also attend a monthly meeting with other managers from the Stonegate Pub Company to discuss any issues of interest, and share best practice, in terms of the operation of venues managed by the Company. As well as the police regularly attending Pub Watch meetings, the venue's management were in regular liaison with the police responsible for the City Centre area. The application to extend the opening hours had been made following a change in customer habits, in that people were now going out later, therefore wanting to stay out later. There was also an element of competition with other venues in the area. Another benefit of having longer opening hours was that it extended the period in terms of dispersal. With regards to current opening hours, the venue closed at 01:00 hours on Wednesdays and Thursdays, and 03:00 hours on Fridays and Saturdays. At present, on a Saturday night, there were generally between 80 and 130 customers in the venue during the last hour. The last customer would be let in an hour before closing time. If one of the additional days where extended hours were requested, fell on a Saturday, it could potentially result in the venue being open until 05:00 hours. Management would use statistics and their own knowledge to assess which nights were likely to be busy, and arrange opening times in advance. The management had not consulted anyone outside the Council in terms of its noise management plan on the basis that they had not received any complaints of noise nuisance. Whilst management regularly attended Pub Watch meetings, at which residents' groups had been present, they had not been invited to, or were aware that they could attend, meetings of the Sheffield City Centre Residents' Action Group (SCCRAG). As the venue only used polycarbonate, it could not be held responsible for the broken glass found on the streets and area around the venue. It was likely that people had bought the bottles from off-licences and had left or broken them on the street. The venue's Door Supervisors would not let anyone into the venue with a glass bottle or any other drink. For this reason, and as there was a Council bin nearby, it had not been considered necessary to have a separate bin. Although the additional days, where extended hours had been requested, were set out as part of the application, there was no legal requirement on the Company to inform residents of these days. This would be considered above and beyond the requirements of a licensee.
- 4.14 Clare Eames summarised the applicant's case, stressing that the Stonegate Pub Company was a responsible operator and there were no specific concerns relating to the operation of pubs the Company managed. She stated that there was little,

or no evidence of any specific problems relating to Reflex/Flares, and that there had not been any outstanding objections from any of the responsible authorities and therefore, there was no evidence that granting the application would undermine the licensing objectives.

- 4.15 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.
- 4.16 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.18 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of Reflex/Flares, 18 Holly Street, Sheffield, S1 2GT, in accordance with the amended operating schedule.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Commons Registration)

Meeting held 27 October 2015

PRESENT: Councillors Geoff Smith (Chair), Josie Paszek and Vickie Priestley

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Zoe Sykes attended the meeting as a reserve Member, but was not required to stay.

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. COMMONS ACT 2006 - "SMITHY WOOD", ECCLESFIELD, SHEFFIELD

4.1 The Chief Licensing Officer submitted a report to consider an application to register land known as "Smithy Wood", Ecclesfield, Sheffield, under Section 15 of the Commons Act 2006, as Town or Village Green.

4.2 Present at the meeting were Jean Howe, Chris Perring and M Widdowson (Cowley Residents' Action Group, Applicants), David Newton (St. Pauls Development PLC, Objector), Nick Tovey (Wardell Armstrong, Objector ???), Shimla Finch (Licensing Strategy and Policy Officer and Clerk to the Registration Authority), Brendan Twomey (Solicitor to the Sub-Committee (Commons Registration)) and John Turner (Democratic Services).

4.3 The Chair outlined the procedure which would be followed during the hearing and stated that the Sub-Committee (Commons Registration) would only be considering the recommendations of the independent inspector following the public enquiry.

4.4 Shimla Finch presented the report to the Sub-Committee (Commons Registration) and stated that the Council had held a non-statutory public enquiry, chaired by an independent Inspector, who considered the application, heard representations from the applicant and objectors, and reported back to the Council. The Sub-Committee (Commons Registration) was asked to consider the report of the independent Inspector, and determine whether the land should be granted Town or Village Green status and be included in the register.

4.5 Ms Finch outlined the legislation, criteria and background to the application, together with the Inspector's conclusions and recommendations.

- 4.6 The Inspector recommended that the Sub-Committee (Commons Registration) should refuse the application on the basis that the use had not been by a significant number of inhabitants of the neighbourhood and that the applicants had failed to establish the necessary criteria contained in Section 15(2) of the Commons Act 2006.
- 4.7 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.
- 4.8 Brendan Twomey reported orally, giving legal advice on various aspects of the application, referring specifically to the Inspector's report and recommendations.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.10 RESOLVED: That, in the light of the information contained in the report now submitted, including the independent Inspector's report, the Sub-Committee (Commons Registration) accepts the conclusions and recommendations of the independent Inspector, and thereby determines that the application for the registration of "Smithy Wood", Ecclesfield, as a Town or Village Green, under Section 15(2) of the Commons Act 2006, be rejected on the specific ground that the use of Smithy Wood is insufficient to indicate that it was in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers; the use was not of such an amount, or in such a manner, as would reasonably be regarded as the assertion of a public right and therefore, the Sub-Committee (Commons Registration) is not satisfied that the use has been by a significant number of inhabitants of the neighbourhood and that, therefore, the use fails the test for significant number in Section 15(2) of the Commons Registration Act 2006.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 29 October 2015

PRESENT: Councillors David Barker (Chair), Neale Gibson, Josie Paszek, Denise Reaney, Geoff Smith and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Nikki Bond, Dianne Hurst, Roy Munn, Anne Murphy, Vickie Priestley 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 meetings of (a) the Licensing Sub-Committee held on 14th July, 8th and 29th September and 1st October 2015, and (b) the Licensing Committee held on 17th September 2015, were approved as correct records.

5. ENFORCEMENT AND STAFFING REPORT

5.1 The Chief Licensing Officer submitted a report containing a detailed background as to the role, duties and vision of the Licensing Service in relation to enforcement and staffing.

5.2 The report set out information on the Licensing Service Plan 2015-2017, the Service's Five-year Business Plan, the present staffing structure, the statutory role, aims and objectives of the Service, the current position in terms of inspection and enforcement work, and proposals in terms of future provision. The report also contained, as appendices, a list of the licensing systems administered and enforced by the Service, and the Service's staffing structure as at 1st April 2014, following the Achieving Change/Managing Employee Reductions (AC/MER) process undertaken in respect of the Service.

5.3 Steve Lonnia, Chief Licensing Officer, made reference to the Service's ambition to move from its current administrative-based operation, to delivering a strategic and proactive service, which continued to strive to be the best, developing a strengthened focus on customers and ensuring that policy development was joined up with other Council services and partners to deliver successful outcomes for the City. He highlighted the fact that the Service was responsible for administering and

enforcing over 50 individual licensing systems, 27 pieces of legislation and over 15,000 applications for licenses annually, and that the 22 staff employed in the Service were coming under increasing pressure dealing with this increasing workload. He stated that staffing levels were low in comparison to other similar cities, such as Leeds, Manchester and Birmingham, and that such Authorities were not responsible for administering as many specific pieces of licensing legislation. Mr Lonnia focused on three areas as the key aims and objectives of the Service moving forward – Enabling, Education and Enforcement – and referred to the breakdown, in percentages, of where officer time was spent when out of the office undertaking inspections, visits and enforcement in terms of the different licensing functions.

- 5.4 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), commented on the report, referring to a reduction in the quality of work undertaken by the Service, specifically relating to the administration and enforcement regarding taxis. He referred specifically to the lack of enforcement in connection with illegal plying for hire, which activity was increasing in the City and having an adverse effect on licensed Hackney Carriage drivers, a number of whom were struggling financially. Mr Rehman stated that the STTA had generally supported the Licensing Service but, in the light of the lack of adequate enforcement and an increasing number of errors being made by staff in the Service, there were now tensions between the two parties. He concluded by stating that drivers would not welcome any further increase in license fees if that was the Service's aim in order to provide more income to allow for more enforcement work.
- 5.5 In response to questions from Members of the Committee, Mr Lonnia stated that a large proportion of the 35% of officer time spent out of the office undertaking inspections, visits or enforcement, relating to taxis, involved reactive work, rather than proactive. Due to a lack of resources, the Service generally only tended to react, in terms of enforcement action, when problems had reached a certain level. Although work dealing with taxis took up the majority of staff time, there was also a high proportion of issues relating to licensed premises and, to a lesser extent, other licensable activities, and there were generally only four enforcement staff on duty on any one night. There was a need to identify those activities where more enforcement action was required, as well as identifying what additional resources were required. The Service was currently liaising with colleagues in Barnsley, Doncaster and Rotherham in connection with the formulation of shared policies with regard to various licensable activities, as well as discussing the issue regarding powers which would enable respective Heads of Licensing to take enforcement action against taxi drivers registered by the other Authorities in terms of offences made within other Authorities' boundaries. The establishment of a consultative/advisory service, comprising specialists in licensing law, would be a major step forward. There was a potential for a Sheffield City Region Licensing Service, similar to joint arrangements presently in place with regard to other Council services. The Chief Licensing Officer was to meet with Councillor Ian Saunders (Cabinet Adviser for Business, Skills and Development) and Maria Duffy (Interim Head of Planning) to discuss how the working relationship between the Licensing and Planning Services could be improved, and how they could improve and accelerate working practices in terms of the processes involved in connection with licensed premises and other relevant licensable activities. One issue that had

been identified was the need for more and/or bigger taxi ranks as part of major planning developments. There was a lack of ranking spaces in the City, as compared to other core cities. In terms of plans to develop larger taxi ranks, particularly close to entertainment venues, drivers would only use them if they were strictly enforced. In terms of targets for protecting the public from being detrimentally affected by those individuals/groups the Service licensed, with regard to public safety, public nuisance, crime and disorder, and the protection of children and the vulnerable, the Service achieved success rates of approximately 75%, 60%, 30% and 80%, respectively. It was accepted that some residents would be adversely affected by the extension of opening hours in terms of licensed premises in the City Centre, but the Council had to strike a balance between this and providing a varied and attractive night-time economy. Other comparable cities were able to employ more staff in their respective licensing services as some cities had more licensed premises, thereby attracting more fees income. It was also known that Leeds City Council provided funding for its Licensing Service from a central budget. Due to current workloads, the Service was not in a position to undertake all tasks in terms of its role as a responsible Authority at the present time. In terms of enforcement, the Service varied the days and nights on which staff would go out on enforcement duty. Whilst the Licensing Service was responsible for dealing with all the Council's licensing systems, in other comparable cities, other services would be responsible for some of the systems. If additional resources were allocated to the Service, it could be targeted towards one of its key aims and objectives, such as education, as this would have the potential for savings to be made with regard to enforcement in the longer-term. It was accepted that a high number of taxi drivers were not aware of all the relevant rules, regulations and licence conditions, but improved education would help to reduce the levels of enforcement required. Also, if there was a dedicated officer dealing with complaints of noise nuisance, who could do more proactive work on this, as well as providing technical expertise within the Service, this would be a huge benefit. Arrangements could be made for Members of the Committee to accompany staff from the Licensing Service on enforcement duties, to give them an idea as to what was required and what they had to encounter, in their role.

5.6 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made and the responses provided to the questions raised; and
- (b) requests the Chief Licensing Officer to submit a report to a meeting to be held in January 2016, (i) detailing a five-year enforcement plan, with a proposal to increase resources if necessary, (ii) providing a detailed financial implications plan regarding the costs/impact on individual licence fees and (iii) setting out brief details of the feasibility in terms of having an arms-length, paid for service, to provide specialist advice on the Service's key aims and objectives, including enabling, education and enforcement.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 November 2015

PRESENT: Councillors Geoff Smith (Chair), David Barker and Josie Paszek

.....

1. APOLOGIES FOR ABSENCE

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

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/VIPER LOUNGE, 35 & 35A CARVER STREET, SHEFFIELD, S1 4FS

4.1 The Chief Licensing Officer submitted a report to consider representations against the interim steps taken by the Sub-Committee, under Section 53C(2) of the Licensing Act 2003, in respect of the premises known as Viper Rooms/Viper Lounge, 35 & 35a Carver Street, Sheffield, S1 4FS, following the decision of the Sub-Committee at its informal meeting held on 29th October 2015, to suspend licensable activities on Tuesday nights, in the light of information contained in the application received from Superintendent Sean Morley, South Yorkshire Police, for a summary review of the Premises Licence under Section 53A of the Licensing Act 2003.

4.2 Present at the meeting were Chris Reece-Gay (WoodsWhur Licensing), Paul Kinsey (Harewood Group), David Burgess (Designated Premises Supervisor, Viper Rooms/Viper Lounge), Matt Burdett, Andrea Marsden and Neil Mutch (South Yorkshire Police), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing

4.4 Andy Ruston presented the report to the Sub-Committee, referring specifically to the representations made by Paul Kinsey on 30th October 2015, against the interim steps taken by the Sub-Committee.

4.5 Inspector Neil Mutch outlined the reasons behind the police's request for an

expedited review focusing on the incidents which had occurred predominantly on Tuesday nights, as set out in Superintendent Morley's application. He referred specifically to the more serious events, which had occurred on 30th September 2015, when two people had been stabbed. On 14th October 2015, there had been a number of incidents at the venue, resulting in both the police and ambulance service being called to the premises, following a number of assaults and someone being arrested for possession of a knife. When the police arrived, as stated in the witness statements provided by those police officers in attendance, they witnessed a very hostile crowd outside the premises, with a number of fights breaking out. The officers stated that, due to the numbers of people involved and the random acts of violence, they felt intimidated. Following this, the police met with the Designated Premises Supervisor (DPS) who, on the advice of the police, agreed to close the premises for a week and change the style of the events being held on Tuesday nights. The venue continued operating on other nights, with no more than the average number of incidents, but when it re-opened on Tuesday, 28th October 2015, there was a further serious incident, involving a female being 'glassed'. Again, from the witness statements from the police officers who attended on that night, there was a very hostile crowd, some of whom were being very threatening and were verbally abusing the officers. One of the officers investigating the incident regarding the female being 'glassed', also commented on how much glass there was on the floor inside the premises. The application for the summary review was submitted following this incident. Inspector Mutch stated that the trouble at the venue appeared to focus on the Tuesday nights and that there were generally no issues in terms of the management of the premises on other nights of the week. He stated that he was happy with the Sub-Committee's decision at the informal meeting on 29th October 2015, and had since met with the management of the premises. He concluded by stating that it was the police's view that the premises should remain closed on Tuesday nights for a reasonable period, to enable the management to have sufficient time to have a new focus in terms of events on that night.

- 4.6 In response to questions from Members of the Sub-Committee, Inspector Mutch confirmed that the Viper Rooms did not attract the attention of the police any more than any other of the venues in and around Carver Street on any other night of the week, but Tuesday nights were seen as a particular problem, with people from out of the City known to come to the events. Matt Burdett added that, at monthly meetings with licensees in the City Centre, the police had received requests for an increased police presence on Carver Street on Tuesday nights. The premises' management had been very responsive, both in terms of recent incidents and in general and, apart from the recent problems on Tuesday nights, the police had no concerns regarding the management of the premises. Although the venue had closed for a week, on the advice of the police, there had been a further incident on the Tuesday it re-opened. Whilst there was a larger police presence in the City Centre on Friday and Saturday nights, due to the cuts in the police budget, they were not able to provide such a presence during the week, and operated more on a response basis. Although the police were confident and comfortable with the venue's admission and safety procedures, they still considered that the only way to stop the problems on Tuesday nights was to change the clientele. In terms of customer searches, the nature of searches at the present time would not have stopped the knife being taken into the club by the customer on 14th October

2015, as it was concealed in his belt. The reason for the hostility of the crowd, as witnessed by the police, will have been due to alcohol to some extent, but it was also considered that there was an issue in terms of the attitude of people who attended on Tuesday nights. The police were reasonably confident that the incidents on Carver Street were linked to the Viper Rooms on the grounds that they had occurred around closing time. Whilst it was the police's view that the 'Risque' and 'Luau' events should be stopped, it was up to the DPS as to how the venue advertised or re-branded the new events to be held on Tuesday nights. It was the police's belief that if these nights were stopped, the problem would most probably disperse, and that the clientele would move elsewhere. The police considered that the venue should remain closed on Tuesdays for at least two weeks, in order to give the management sufficient time to re-brand the night and to put any necessary changes into place.

4.7 Chris Reece-Gay, on behalf of the Viper Rooms/Viper Lounge, provided a brief history of the venue, and reported on the present staffing structure. He stated that Paul and Andrew Kinsey had been in the licensed premises trade for a number of years, and that David Burgess, the present DPS, had held a Personal Licence for eight years, and had worked as DPS at the premises for two years, having run other bars throughout the country for the last 10 years. The venue had been operating on Tuesday nights for around five years. The venue had received awards at the Best Bar None Awards in 2014 and 2015, together with a hospitality award in November 2014. In terms of the incidents referred to by the police, Mr Reece-Gay stated that the stabbing on 30th September 2015, was a one-off incident, with nothing as serious as this having occurred at the venue previously. There had been no incidents on 7th October 2015, and on 14th October 2015, the management accepted full responsibility for the incidents and the trouble which had occurred on the grounds that the profile of the DJ on that night had recently grown, resulting in a bigger than expected crowd. It had been agreed that this DJ would not be used again at the venue, and that the management would take particular care in choosing what music would be played on Tuesday nights. Following meetings with the venue's management and the police, an action plan had been produced, containing a number of additional measures with regard to the venue's admissions policy, internal supervision and dispersal arrangements. Mr Reece-Gay stated that it was hoped that the implementation of the action plan would allow for the premises to re-open on 3rd November 2015, which would provide management with the opportunity of showing how the new arrangements would work. He requested that the Sub-Committee withdraws the conditions agreed, as part of the interim steps at the informal meeting on 29th October 2015, on the grounds that this would not allow the management to show how the measures would work. Mr Reece-Gay stated that he would be happy to accept the new measures, as set out in the action plan, as interim steps.

4.8 Paul Kinsey stated that the premises' management had, and always would, co-operate fully with the police and other responsible authorities in connection with the operation of the venue, and that he accepted that there was an issue on Tuesday nights which needed addressing. He considered that implementing the new action plan would be more appropriate than closing the venue on Tuesdays. It was company procedure that a member of staff at executive level would visit company venues on a regular basis to undertake inspection checks, although

there had not been any staff at this level in post during the last three months, which may have contributed to the problems. He accepted that on 30th September 2015, there had been customers in the venue, who should not have been there, and that on 28th October 2015, there were some customers, with NUS cards, whose behaviour was not up to normal standards. Mr Kinsey made it clear that they did not want to attract people who looked as though they could cause trouble, or resort to violence, in the venue, although he accepted this was not always easy. As proof of this, he circulated a photo of the assailant in connection with the 'glassing' on 28th October 2015 who, he pointed out, didn't look like someone who had behaved as she had. Mr Kinsey accepted that there was a need for a senior level of supervision, both inside and outside the venue, and was confident that the action plan would address this issue. He concluded by stating that the venue needed to remain open on Tuesdays, to allow management to implement, and review, the action plan.

4.9 David Burgess confirmed that, after the stabbing incident on 30th September 2015, management had implemented a revised search procedure following discussions with the police.

4.10 In response to questions from Members of the Sub-Committee, and the police, management believed that they had the capacity and expertise to implement the measures set out in the Action Plan if the venue was able to open tomorrow night. Arrangements had been made for trained and experienced staff, including a head doorman drafted from another venue to work inside the venue, and there were plans to train further staff longer-term. Following the recent incident at the club, management had fired one of the door supervisors, with another supervisor being given a final warning, and arrangements made for him to be retrained. The duties of door staff were generally split 50:50, in terms of inside and outside the premises. Earlier in the night, when more people were gaining entrance to the venue, more door staff were deployed at the entrance and when the majority of customers had been admitted, some of the door staff would move inside, then, at the end of the night, they would move outside. Some staff would stand on the pavement, on Carver Street if it was considered necessary. It had been accepted that there had been issues regarding the venue's security arrangements on 14th October 2015, and, although this was viewed as a one-off incident, it was accepted that there were too many people on the street. Whilst it was not always easy, the management made every effort, by employing and instructing experienced, well-trained staff, to be vigilant in terms of what kind of person they let into the venue. The management disagreed with the interim steps to close the venue as they believed they had taken sufficient steps, particularly with regard to identifying known troublemakers, and informing them that they would no longer be able to get in the venue. There were generally between nine and 12 staff on duty at the venue on any one night. The arrangements in terms of the VIP area in the venue involved customers, usually known to the venue's management, booking a table. The customers would receive waitress service and there would be a door supervisor checking customers entering the area. This was the only area where customers were able to drink from glasses, which comprised champagne flutes. Whilst it was envisaged that future events held on Tuesday nights would continue to involve admission by an NUS card, if there were any troublemakers or people the door staff did not wish to admit, even if they held an NUS card, they would be

refused admission. The door staff would also admit customers without an NUS card. The management wanted to create a light-hearted atmosphere, where people did not feel intimidated when entering the venue, and this would be reflected in terms of which DJs were used, and what music was played. Although consideration would be given to the future focus of events held on Tuesdays, it was believed that the recent problems were more to do with issues in terms of the venue's door policy, rather than the brand.

- 4.11 Inspector Mutch and Chris Reece-Gay summarised their respective cases.
- 4.12 RESOLVED: That the public and press and attendees involved in the hearing 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 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the case.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That following consideration of the representations now made, the Sub-Committee determines that the interim steps imposed on 29th October, 2015, in respect of the premises known as Viper Rooms/Viper Lounge, 35 & 35a Carver Street, Sheffield, S1 4FS, be lifted and replaced with the following condition:-
- “The Premises Licence is suspended on Tuesday, 3rd November 2015 and, on reopening, the Action Plan be implemented”

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 3 November 2015

PRESENT: Councillors David Barker (Chair) and George Lindars-Hammond

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Anne Murphy.

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. 77/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 78/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 79/15 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>
77/15	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of three years.
78/15	Application for a new Hackney Carriage and Private Hire Driver's	Refuse to grant the licence on the grounds that the Sub-Committee considers that not enough time has

	Licence	elapsed since the applicant was released from prison for him to prove that he is a fit and proper person to hold the licence.
79/15	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 Sub-Committee

Meeting held 10 November 2015

PRESENT: Councillors David Barker (Chair), Josie Paszek and Anne Murphy

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Denise Reaney.

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 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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT IN 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 Static Street Trading Consent in the City Centre (Fargate) (Ref No.80/15).

4.2 Present at the meeting were Michael Desmond (Applicant), Georgina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (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 Georgina Hollis presented the report to the Sub-Committee, and it was noted that comments had been made by the City Centre Management Team in relation to an agreed specific location on Fargate, and these were attached at Appendix "B" to the report.

4.5 Michael Desmond stated that his business plan was to sell competitively priced, high quality flowers in the City Centre from a static pitch on Fargate, from a bespoke tricycle. The unit would be highly attractive and eye-catchingly painted in primary colours, and would conform to all size requirements. The unit, which had zero carbon emissions, would bring colour, vibrancy and an international, cosmopolitan flavour to the City Centre. It would be called Monet's Garden, having a picture of water lilies on one side. Mr. Desmond stated that he would be

specifically targeting Chinese residents who, he believed added a great deal to the City's economy, and would be dedicating two shelves on the unit to the Chinese arrangements, and would include the words "The Little Chinese Garden", in Mandarin. Mr. Desmond made reference to the fact that he planned to keep his mobile trading consent, and would visit Hallamshire and Weston Park hospitals on his way into the pitch on Fargate, if granted.

- 4.6 In response to questions from Members of the Sub-Committee and Georgina Hollis, Mr. Desmond stated that he planned to commence trading on Fargate with immediate effect, although he was aware that there may be an issue in terms of his trading location at the present time as a result of the Christmas Market on Fargate. With regard to his mobile operation, he stated that he would be able to sell flowers on certain wards at the Hallamshire Hospital, and that flowers were allowed in private rooms at Weston Park hospital. He planned to use his Pedlar's Licence on one day a week, and would pay for mobile consent in respect of the other areas he planned trading in.
- 4.7 Georgina Hollis reported on the options open to the Sub-Committee.
- 4.8 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.
- 4.9 Marie-Claire Frankie 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 public and press and attendees.
- 4.11 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a Static Street Trading Consent in the City Centre (Ref No.80/15), be granted, subject to agreement, with the City Centre Management Team, of a suitable location on Fargate, with particular regard being given to the Christmas Market.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 5.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing.
- 5.2 The applicant in Case No. 81/15 attended the hearing and addressed the Sub-Committee.
- 5.3 RESOLVED: That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
-----------------	---------------------	-----------------

81/15	Application to renew a Hackney Carriage Vehicle Licence	Grant a licence for a period of 12 months, subject to the vehicle being presented for three tests during that 12 month period, 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.
-------	---	---

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 November 2015

PRESENT: Councillors David Barker (Chair), Vickie Priestley and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Anne Murphy.

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. 83/15 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 58/15 attended the hearing with a friend, 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>
83/15	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of six months, in the light of the offences and convictions now reported and, on renewal, authority be given to grant the applicant a licence for up to the maximum term of 36 months, subject to (i) there being no further cause for concern and (ii) the applicant successfully completing the Council's knowledge test and (b) if there is any cause for concern in that six month period, the licence be referred back to the Sub-Committee.

58/15	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months, in the light of the offences and convictions now reported and, on renewal, authority be given to grant the applicant a licence for up to the maximum term of 36 months, subject to (i) there being no further cause for concern and (ii) the applicant successfully passing all tests normally required of a new applicant and (b) if there is any cause for concern in that 12 month period, the licence be referred back to the Sub-Committee.
-------	--	---

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 24 November 2015

PRESENT: Councillors Geoff Smith (Chair), Zoe Sykes and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 85/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 86/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 87/15 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>
85/15	Application to renew a Private Hire Vehicle Licence	Grant a licence for a period of nine 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.

86/15	Application for a new Private Hire Vehicle Licence	Grant a licence for the normal term of 12 months on the grounds that the Sub-Committee considers that there are exceptional circumstances in the case, specifically relating to the reasons for the delay in applying for the licence, to warrant a departure from the current policy relating to the age limit of vehicles.
87/15	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person in the light of the offences and convictions now reported and the responses provided to the questions raised, specifically relating to his lack of understanding of the licence conditions.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 November 2015

PRESENT: Councillors David Barker (Chair), Josie Paszek and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

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

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/VIPER LOUNGE, 35 & 35A CARVER STREET, SHEFFIELD, S1 4FS

- 4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 53 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as Viper Rooms/Viper Lounge, 35 & 35a Carver Street, Sheffield, S1 4FS.
- 4.2 Present at the meeting were Andrew McDonald (Barrister, representing the Applicants), Inspector Neil Mutch, Andrea Marsden and Cheryl Topham (South Yorkshire Police, Applicants), Paddy Whur (Woods Whur, Solicitors, representing the Harewood Group), Paul Kinsey (Harewood Group), David Burgess (Designated Premises Supervisor, Viper Rooms/Viper Lounge), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Andy Ruston presented the report to the Sub-Committee, referring specifically to the application, made by South Yorkshire Police, for a summary review of the Premises Licence, which had initially been considered by the Sub-Committee on 29th October 2015, and to the meeting of the Sub-Committee held on 2nd November 2015, to consider representations by the Premises Licence Holder against the interim steps imposed by the Sub-Committee on 29th October.
- 4.5 Andrew McDonald referred to the application for a summary review of the Premises Licence made by South Yorkshire Police, in the light of a number of

incidents at the venue during September and October 2015. The incidents, which had occurred mainly on Tuesday nights, gave rise to concerns with regard to the management of the venue, the reporting of the incidents and issues regarding the use of glass in the venue. Mr McDonald stated that, as details of the incidents were set out in the report, and had been considered by the Sub-Committee at its meeting held on 2nd November 2015, he did not consider it necessary to report on the details again. He stated that, following the implementation of the interim steps, as imposed by the Sub-Committee, a number of conditions had been agreed between the Premises Licence Holder and the police and, on the grounds that the conditions had been applied by the Premises Licence Holder, together with the fact that there had been no further incidents at the venue on the last three Tuesday nights, when the venue had re-opened, the police had no further concerns with regard to the management of the venue at this time.

- 4.6 Inspector Neil Mutch stated that since the application for the summary review and the actions taken in response by the Premises Licence Holder, the police had attended the venue on the last three Tuesday nights, when the venue had re-opened, and had found there to be no problems with regard to the management of the premises, the door staff had been both efficient and accommodating and there had been a positive and relaxed atmosphere in the venue.
- 4.7 In response to questions from Members of the Sub-Committee, it was stated that there had been no issues in terms of animosity by customers towards the police which, it was believed, had been due to a change in the clientele.
- 4.8 Prior to stating the case for the Premises Licence Holder, Paddy Whur referred to the four conditions which had been agreed between the Premises Licence Holder and the police. Details of the conditions were circulated at the meeting and, for clarity, Marie-Claire Frankie read them out at the hearing. Mr Whur made reference to an amendment to one of the conditions, which would now read 'The delegated member of door staff will be fitted with an approved body-cam, which must be worn at all times the premise is operating'.
- 4.9 Paddy Whur, on behalf of the Harewood Group, stated that the venue's management had been disappointed at the police's application for a summary review of the premises, indicating that the incidents which had given rise for concern had been due to a certain clientele attending the venue on Tuesday nights. He stated that, following the decision of the Sub-Committee at its informal meeting on 29th October 2015, at which the Sub-Committee had imposed interim steps to suspend licensable activities at the venue on Tuesday nights, the Premises Licence Holder had made representations to the Sub-Committee on 2nd November 2015. It had been agreed at this meeting that, subject to the implementation of the action plan drawn up by the premises management, the interim steps be lifted, and the venue was allowed to re-open on 10th November 2015. Mr Whur reported that since re-opening, there had been no trouble at the venue on the last three Tuesday nights, as evidenced by the police, who had attended on each night, which had been as a result of significant changes in management procedures and the customer base. Although not yet conditional, the police had trialled the body-cams at the venue last night, for the benefit of the door staff who will be using them, and this was seen as a testament to the

Premises Licence Holder in terms of how serious he took this issue. Mr Whur concluded by stating that he considered the Premises Licence Holder had taken proportionate and appropriate measures in terms of the proposed conditions to be added to the venue's Premises Licence.

- 4.10 In response to questions from Members of the Sub-Committee, it was stated that the four agreed conditions would be in addition to those conditions already on the Premises Licence, and that the interim steps imposed by the Sub-Committee would now be removed. The door staff operated a random search policy at the venue every night, whereas on Tuesday nights, a policy whereby one in every 15 customers was searched was adopted. There was obviously some flexibility in terms of the search policy whereby the door staff would undertake more searches if particular problems arise on any given night, or they had suspicions about certain customers. Since the summary review application, management at the premises considered that the changes made, as set out on the action plan, as well as the four additional conditions, were sustainable, and considered both proportionate and appropriate in terms of meeting the licensing objectives. The changes had not simply been made to ensure that there were no problems on the last three Tuesday nights, prior to this review, but had been made following a review of activities on every night the venue was open, and would be rigorously monitored by management. In terms of last night, it was reported that a number of people were not admitted to the venue, although this figure had been considerably less than on previous Tuesdays. There was also no glass at all in the venue on Tuesday nights. The only glass bottles served to customers were champagne or spirit bottles, which were only served in the VIP area, which was highly supervised and where staff would serve customers the drinks. The Tuesday nights would still be advertised as student-friendly, although people would still be admitted if they did not have a NUS card, with any admission being at the discretion of the door staff. The aim was to ensure the clientele comprised like-minded people and, although it was not always easy, the door staff were well trained in terms of identifying those people who they considered were likely to cause problems. Whilst only polycarbonate or plastic drinking vessels were currently being used in the VIP area on Tuesday nights, management would consider changing back to glass in the future if no problems were identified. The management did not envisage any problems in terms of implementing the additional measures on a long-term basis and, to some extent, welcomed the measures on the basis that they ensured that all staff at the venue were 'at the top of their game' at all times.
- 4.11 Paddy Whur and Andrew McDonald indicated that they had nothing further to add in terms of a summary.
- 4.12 Andy Ruston reported on the options available to the Sub-Committee.
- 4.13 RESOLVED: That the public and press and attendees involved in the hearing 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.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the

case.

4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.16 RESOLVED: That in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises known as Viper Rooms/Viper Lounge, 35 & 35a Carver Street, Sheffield, S1 4FS, by the addition of the following conditions:-

- (a) A one in 15 search policy to be maintained on Tuesday night events, and risk assessed by the management on all other nights when the premise is operating;
- (b) An internal SIA registered door person will be appointed to take responsibility for door staff positioned inside the premise in order to increase supervision levels. The delegated member of door staff will be fitted with an approved body-cam, which must be worn at all times the premise is operating. The images will be stored for 28 days and the police will be given access to the copies of the images for purposes in connection with the prevention and detection of crime and disorder;
- (c) An SIA registered door person will be appointed to be static outside the premise and will be fitted with an approved body-cam, which must be worn at all times the premise is operating. The images will be stored for 28 days and the police will be given access to the copies of the images for purposes in connection with the prevention and detection of crime and disorder; and
- (d) Only polycarbonate or plastic drinking vessels and bottles, save for champagne and spirits in the VIP area, will be served on a Tuesday night, and risk assessed by the management on all other nights when the premise is operating.

(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 8 December 2015

PRESENT: Councillors Geoff Smith (Chair), Cliff Woodcraft and Denise Reaney

.....

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 two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 89/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 90/15 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>
89/15	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months, in the light of the offences and convictions now reported and, on renewal, authority be given to grant the applicant a licence for up to the maximum term of 36 months subject to there being no further cause for concern and (b) if there is any cause for concern in that 12 month period the licence be referred back to the Sub-Committee.

90/15	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by Section 52 of the Road Safety Act 2006) on the grounds that the licence holder has accrued six penalty points within the first two years of being a full licence holder and that subsequently, his DVLA driving licence has been revoked.
-------	--	--

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 December 2015

PRESENT: Councillors David Barker (Chair), Anne Murphy and Denise Reaney

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Vickie Priestley.

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 licence holder in Case No. 91/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 92/15 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>
91/15	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 Sub-Committee decided not to revoke the licence, but the licence holder be issued with a warning that if he committed any further motoring offences within 12 months of the date of the hearing, his licence would be referred back to this Sub-Committee.

92/15

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 in the light of the offences and issues now reported and the responses provided to the questions raised.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 January 2016

PRESENT: Councillors David Barker (Chair), Josie Paszek and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

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

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 - RHYTHM & BOOZE, 8 MIDDLEWOOD ROAD, SHEFFIELD, S6 4GX, 13 BROOKLANDS AVENUE, SHEFFIELD, S10 4GA AND 783-785 ABBEYDALE ROAD, SHEFFIELD, S7 2BH

- 4.1 The Chief Licensing Officer submitted reports to consider applications made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for reviews of the Premises Licences in respect of the premises known as Rhythm & Booze, 8 Middlewood Road, Sheffield, S6 4GX, 13 Brooklands Avenue, Sheffield, S10 4GA and 783-785 Abbeydale Road, Sheffield, S7 2BH.
- 4.2 Present at the meeting were David Palmer and Kenneth Webb (Trading Standards, Applicants), Julie Hague (Sheffield Safeguarding Children Board), Martin Swaine (Managing Director, Barnsley Beer Company Ltd., prospective Premises Licence Holder (PLH) for 8 Middlewood Road), Doreen Edwards (Barnsley Beer Company Ltd., prospective Designated Premises Supervisor (DPS) for 8 Middlewood Road), Jayne Gough (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Jayne Gough presented the reports to the Sub-Committee and it was noted that representations in respect of all three premises had been received from the Sheffield Safeguarding Children Board and were attached at Appendix 'B' to the reports. It was reported that, on 30th December 2015, the Premises Licence Holder (PLH) for all three premises had surrendered all three Premises Licences and that following this action, he would no longer be attending this meeting. It was further reported that Martin Swaine, Barnsley Beer Company Ltd., had submitted

an application, on this day, for the transfer of the Premises Licence in respect of the premises at 8 Middlewood Road, into his Company's name, following the surrender of the Licence, together with an application for a new Designated Premises Supervisor (DPS) at the premises.

4.5 Marie-Claire Frankie clarified the legal position following the recent action which had been taken in respect of the Premises Licences, indicating that, despite the surrender of the Licences, there was still a requirement for the Sub-Committee to determine the three reviews.

4.6 783-785 Abbeydale Road, Sheffield, S7 2BH

4.6.1 David Palmer reported that on 20th August 2015, Trading Standards officers carried out a routine inspection at the Rhythm & Booze store on Abbeydale Road. Officers found 7 x 70 cl bottles labelled as Teacher's whiskey, which they suspected to be illicit as the rear labels were self-adhesive and contained a spelling mistake. Officers also found 11 x 70 cl bottles labelled Bell's whiskey, which they also suspected to be illicit, due to the self-adhesive labels. All the suspect bottles were seized, and the Trade Mark owners of the two products confirmed that the contents were genuine, but that the rear labels were counterfeit and falsely depicted a duty paid logo, which constituted an offence. Mr Palmer stated that counterfeit and illicit spirits were known to contain dangerous industrial chemicals and contaminants, and were made without the quality control measures employed by genuine brand manufacturers. Such products had no genuine batch codes, which makes traceability impossible, which also constituted an offence. He stressed that the public's safety was at risk when consuming illicit spirits, particularly during binge drinking and even when being consumed more responsibly, on a regular basis. Specific reference was made to the fact that children and young people were put at risk of harm, over and above the effects of under-age drinking, due to the likely effects of the illegal chemical content and the potential inaccuracy of the declared strength (ABV).

4.6.2 Mr Palmer stated that, following the seizure of the bottles, officers immediately visited another store operated by the PLH, Mr Jigar Patel, at Middlewood Road, only to find it closed, with the shutters down, even though it was the middle of the day. A follow-up visit to the Middlewood Road store was made on 24th August 2015, when officers found the store open. Although officers did not find any illicit alcohol, they did find outer packaging for a Bell's whiskey, showing an obliterated duty paid stamp, which indicated that the whiskey was released from a bonded warehouse and intended for export. It should not be possible to find packaging marked in this way in a retail premise. Only six weeks before this seizure, on 9th July 2015, Mr Patel pleaded guilty at Sheffield Magistrates' Court to three specimen offences under the Trade Marks Act 1994, relating to the possession of 176 bottles of illicit spirits, which were seized from three other premises in Sheffield, for which he was also the PLH and DPS. Mr Patel was fined £240 and was ordered to pay £617 costs, plus a £20 surcharge. During the proceedings, the duty evaded was calculated to be £1,638. During an interview following the seizures in November 2014, Mr Patel admitted buying the products from an itinerant seller and that by showing no due diligence, he understood that he could have put the safety of his customers at risk. Although the spirits seized were found

to be the genuine product, but with counterfeit 'duty paid' labels applied to the bottles, he could not have known this, and it was only his good fortune that he did not buy a contaminated or counterfeit product. Mr Palmer referred to a report prepared by Dr Subhashis Basu, Speciality Registrar in Accident & Emergency in Sheffield, which was appended to the report now submitted, and contained details of the potential health effects of common contaminants in illicit alcohol. Mr Palmer concluded by stating that, in the view of Sheffield Trading Standards, Mr Patel had demonstrated by his latest actions that he was not competent to be the PLH or the DPS of the premises at 783-785 Abbeydale Road.

4.7 13 Brooklands Avenue, Sheffield, S10 4GA

4.7.1 David Palmer reported that, on 19th November 2014, Trading Standards officers carried out an inspection at the Rhythm & Booze store at 13 Brooklands Avenue, and found 7 x 70 cl bottles labelled High Commissioner whiskey, which they suspected to be illicit. The suspect bottles were seized and the Trade Mark owners of the products subsequently confirmed that the contents were genuine, but the rear labels were counterfeit and falsely depicted a duty paid logo, which constituted an offence. On 9th July 2015, Jigar Patel pleaded guilty at Sheffield Magistrates' Court, to the three specimen offences under the Trade Marks Act 1994, relating to the possession of a total of 176 bottles of illicit spirits, seized on 19th November 2014, from this and two other premises in Sheffield, for which he was also the PLH and DPS. He was fined £240 and was ordered to pay £617 costs plus £20 surcharge. During the proceedings, the duty evaded was calculated to be £1,638. Mr Palmer stated that counterfeit and illicit spirits were known to contain dangerous industrial chemicals and contaminants, and were made without the quality control measures employed by genuine brand manufacturers. Such products had no genuine batch codes, which made traceability impossible, which also constituted an offence. He stressed that the public's safety was at risk when consuming illicit spirits, particularly during binge drinking and even when consumed more responsibly, on a regular basis. Children and young people were put at increased risk of harm, over and above the effects of under-age drinking, due to the likely effects of the illegal chemical content and the potential inaccuracy of the declared strength (ABV).

4.7.2 Mr Palmer added that, on 20th August 2015, only six weeks after prosecution, Trading Standards officers discovered and seized 18 more bottles of illicit spirits at another store, at Abbeydale Road, for which Mr Patel was the PLH and DPS. Following this, officers immediately visited another store operated by Mr Patel at Middlewood Road, only to find it closed, with the shutters down, even though it was the middle of the day. A follow-up visit to the Middlewood Road store on 24th August 2015, when the store was open, found no illicit alcohol, but officers did find outer packaging for Bell's whiskey, showing an obliterated duty paid stamp, which indicated that the whiskey was released from a bonded warehouse and intended for export. It should not be possible to find packaging marked in this way in a retail premise. Officers also examined the CCTV and discovered that there was no recording for 20th August 2015, even though there was normal footage for the days before and after. During an interview following the seizures in November 2014, Mr Patel admitted buying the products from an itinerant seller and that by showing no due diligence, he understood that he could have put the safety of his

customers at risk. Although the spirits seized were found to be the genuine product, but with counterfeit 'duty paid' labels applied to the bottles, he could not have known this and it was only his good fortune that he did not buy contaminated or counterfeit products. Mr Palmer referred to a report prepared by Dr Subhashis Basu, Speciality Registrar in Accident & Emergency in Sheffield, which was appended to the report now submitted, and contained details of the potential health effects of common contaminants in illicit alcohol. Mr Palmer concluded by stating that, in the view of Sheffield Trading Standards, Mr Patel had demonstrated by his latest actions that he was not competent to be the PLH or the DPS of the premises at 13 Brooklands Avenue.

4.8 8 Middlewood Road, Sheffield, S6 4GX

4.8.1 David Palmer reported that, on 19th November 2014, Trading Standards officers carried out an inspection at the Rhythm & Booze store at 8 Middlewood Road, finding 51 x 70 cl bottles of spirit labelled Gordon's gin, 54 x 70 cl bottles labelled Teacher's whiskey and 63 x 1 litre bottles labelled High Commissioner whiskey, which they suspected to be illicit. On 9th July 2015, Jigar Patel pleaded guilty at Sheffield Magistrate's Court to three specimen offences under the Trade Marks Act 1994, relating to the possession of 176 bottles of illicit spirits, seized on 19th November 2014, from this and two other premises in the City, for which he was also the PLH and DPS. He was fined £240 and ordered to pay £617 costs plus a £20 surcharge. During the proceedings, the duty evaded was calculated to be £1,638. Mr Palmer stated that counterfeit and illicit spirits were known to contain dangerous industrial chemicals and contaminants, and were made without the quality control measures employed by genuine brand manufacturers. Such products have no genuine batch codes, which made traceability impossible, which was an offence. He stressed that the public's safety was at risk when consuming illicit spirits, particularly during binge drinking and even when being consumed more responsibly on a regular basis. Children and young people were put at increased risk of harm, over and above the effects of under-age drinking, due to the likely effects of the illegal chemical content and the potential inaccuracy of the declared strength (ABV).

4.8.2 Mr Palmer added that, on 20th August 2015, only six weeks after prosecution, Trading Standards officers discovered and seized 18 more bottles of illicit spirits at another store, at Abbeydale Road, for which Mr Patel was also the PLH and DPS. Following this, officers immediately visited the Middlewood Road store, only to find it closed with the shutters down, even though it was the middle of the day. A follow-up visit to the Middlewood Road store on 24th August 2015, when the store was open, revealed no illicit alcohol, but officers did find outer packaging for Bell's whiskey, showing an obliterated duty paid stamp, which indicated that the whiskey was released from a bonded warehouse and intended for export. It should not be possible to find packaging marked in this way in a retail premise. Officers also examined the CCTV, and discovered that there was no recording for 20th August 2015, even though there was normal footage for the days before and after. During an interview following the seizures in November 2014, Mr Patel admitted buying the products from an itinerant seller and that by showing no due diligence, he understood that he could have put the safety of his customers at risk. Although the spirits seized were found to be the genuine product, but with counterfeit 'duty paid'

labels applied to the bottles, he could not have known this and it was only his good fortune that he did not buy contaminated and/or counterfeit products. Mr Palmer referred to a report prepared by Dr Subhashis Basu, Speciality Registrar in Accident & Emergency in Sheffield, which was appended to the report now submitted and contained details of the potential health effects of common contaminants in illicit alcohol. Mr Palmer concluded by stating that, in the view of Sheffield Trading Standards, Mr Patel had demonstrated by his latest actions that he was not competent to be the PLH or the DPS of the premises at 8 Middlewood Road.

- 4.9 In response to questions from Members of the Sub-Committee, Mr Palmer stated that, whilst he was not certain, he believed that shop retailers could purchase alcohol from other retailers as long as the transaction was carried out in the proper manner, in that invoices were provided, duty paid and there was an element of traceability. It was confirmed that the visits to the premises in August 2015 were routine, and not carried out following any intelligence, and that Mr Patel had clearly admitted, under interview, that he had purchased the alcohol from an itinerant seller.
- 4.10 Julie Hague, representing the Sheffield Safeguarding Children Board (SSCB), stated that the reason for the Board's representations was that the three premises had been evidenced to have been operating in an irresponsible and illegal way that undermined the core objective for the protection of children from harm, under the Licensing Act 2003. Ms Hague stated that the evidence submitted by Sheffield City Council Trading Standards demonstrated that counterfeit and illicit alcohol products had been sold at the three premises. The Board was concerned that these products, which were expected by the public to be legitimate and regulated products, may cause physical harm if consumed by persons under the age of 18. There was a potential for children and young people to easily access these products, for example, if the products had been legally consumed in a domestic setting, or the products were accessed by underage or 'proxy sales'. In terms of the individual premises, relating first to 8 Middlewood Road, Ms Hague stated that when visiting the premises on 21st December, 2015, on arrival, the premises appeared to be closed or ceased to be operating and therefore, she was unable to access the premises. With regard to the visit to 783-785 Abbeydale Road, on 21st December, 2015, on arrival at the premises, the shop assistant, Mr Harroi Patel, informed her that the manager was not on site. She discussed the age verification scheme with Mr Patel, and was informed that the Challenge 25 scheme was in operation. However, she was concerned to note that there was no evidence of the scheme, specifically in terms of signage, and the shop displayed only one notice indicating that it was illegal to sell alcohol to under 18's. There was no reference to the signage, the need to produce ID or any staff training records available for inspection. Ms Hague was concerned that Mr Patel appeared to have responsibility for the shop, but was not a Personal Licence Holder, and had received little training. Mr Patel stated that he had only received verbal training from Mr Jigar Patel, which related mainly to his responsibility to check the customer's age by asking for their ID, date of birth and address. It was stated that she had noted that Mr Harroi Patel was able to demonstrate how to use till prompts, and that he had an understanding that this process related to the prevention of selling age-restricted goods. With regard to 30 Brooklands Avenue,

Ms Hague stated that when visiting the premises on 21st December, 2015, on arrival, the shop assistant, Ms Ann Hirst, informed her that the manager was not often on site as he lived outside the City. Ms Hague discussed the age verification scheme with Ms Hirst and noted again, that whilst the Challenge 25 scheme was in place, there was no related signage, with the exception of one small shelf sign in the shop. There were no staff training records available for inspection and it was noted that Ms Hirst was not a Personal Licence Holder. Ms Hirst confirmed that she had not received any training in the 12-month period since the Premises Licence Holder had commenced. However, she stated that she had received alcohol sales training previously, when working for other companies. Ms Hague noticed that till prompts were in place, however, Ms Hirst stated that she preferred to use the refusals book, and was able to evidence this and, on inspection, the refusals book was appropriately completed, with the most recent entry being on 18th October 2014.

- 4.11 Ms Hague stated that she was concerned that the lack of signage and training records at the two premises she gained entry to, indicated that the age verification scheme operated as a minimal standard, and did not currently meet the criteria for a recognised scheme, as agreed by the SSCB, in conjunction with South Yorkshire Police and the Council's Trading Standards. She also noted, with concern, that neither of the staff she spoke to on 21st December 2015, had made reference to proxy sales and the issue of fake ID being included in the 'verbal training' they had received. Ms Hague stated that these issues were commonplace and an accepted aspect of the general standards that were expected in Sheffield in terms of an operator evidencing due diligence to prevent underage sales. She concluded by stating that if the determination of the Sub-Committee was that the premises were to continue to operate, she would recommend that the licences be conditioned to meet these standard requirements.
- 4.12 In response to questions raised by Members of the Sub-Committee, Ms Hague confirmed that the SSCB, in conjunction with the police, would arrange for free training to be offered to the operator and for a test purchase to be undertaken at any premises if it received evidence of underage sales being made. In terms of the signage and training records kept at the premises concerned, it was expected that there should have been something more recent and more detailed, and that the DPS had checked records to identify any staff training needs. In terms of training requirements, Ms Hague stated that she would expect, at a minimum, for all members of staff to receive individual training in terms of underage sales, including training regarding ID, and for staff to receive regular six-monthly refresher training. There should be little or no excuse for licence holders/DPSs failing to arrange relevant training for staff as the Challenge 25 systems were fairly standardised now and the Sheffield Safeguarding Children Board delivered regular free training and provided signage at no cost. There was also an expectation that Premises Licence Holders would wish to have all the relevant systems in place, and provide relevant training to staff, in order to protect themselves and their businesses.
- 4.13 The Sub-Committee heard evidence from Martin Swaine, Managing Director, Barnsley Beer Company Ltd., who had submitted an application for the transfer of the Premises Licence, in respect of the premises at 8 Middlewood Road, under

Section 50 of the Licensing Act 2003, to his Company. The application had been submitted to the Licensing Service's and South Yorkshire Police's offices on this day, together with an application for a new DPS. Mr Swaine stated that neither himself or his Company had any connection to the previous PLH, and that he was a fit and proper person to re-open the store at Middlewood Road. Mr Swaine stated that he had been in the licensing trade since 1987, and had held nearly 100 Premises Licences, currently holding three Licences in Barnsley. He used to own Rhythm & Booze, prior to losing the business in March 2012, and was currently trying to build the business back up. He made reference to Doreen Edwards, who had accompanied him to the meeting, who had been a DPS in various outlets during the last 10 years and, subject to the application submitted being successful, would be the DPS at 8 Middlewood Road.

- 4.14 In response to questions raised by Members of the Sub-Committee and Marie-Claire Frankie, Mr Swaine stated that he was no longer trading as part of Rhythm & Booze as the company got into financial difficulties, and consequently went into liquidation. The business was transferred to Costcutter supermarkets and after around two years, during which time business had not been successful, the stores were purchased by other companies. The plan was for Doreen Edwards to be the DPS, until such time she moved on to be replaced by another DPS. In terms of training, all staff at the store would receive personal training on all aspects of the business, and receive refresher training every three months, with all details of such training being recorded. The store would operate the Challenge 25 scheme, having appropriate signage, and would have till prompts and maintain a refusals log. Staff in the store would only be able to serve customers if they had successfully completed the training. Mr Swaine stated that Barnsley Beer Company Ltd. started off as a small business, supplying bottled beer to shops and other businesses. Mr Swaine confirmed that, other than failing the odd test purchase, following which lessons had been learnt, he had not had any problems with Trading Standards. The Company was based in Barnsley, although there were stores around the Yorkshire and Lincolnshire area, with the majority being in South Yorkshire. Mr Swaine also confirmed that, other than the odd test purchase failure, he or any other company he had been involved in had never been cautioned or prosecuted for doing anything wrong. It was standard business practice for any members of staff who had failed a test purchase not to be allowed back on the tills until they had received full refresher training on this issue. The members of staff would also be disciplined.
- 4.15 David Palmer and Julie Hague summarised their cases.
- 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 Marie-Claire Frankie 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, in the light of the information contained in the reports now submitted, the additional information now circulated and the representations now made, the Sub-Committee:-

(a) agrees to revoke the Premises Licences in respect of the premises known as (i) Rhythm & Booze, 13 Brooklands Avenue, Sheffield, S10 4GA (Ref. No. 02/16) and (ii) Rhythm & Booze, 783-785 Abbeydale Road, Sheffield, S7 2BH (Ref. No. 03/16), for the following reasons:-

(A) in considering what those steps were, Members took into account Section 11.20 of the Licensing Act 2003 Guidance, which states that action taken should be directed at the cause or causes of concern. Members identified that these were the persistent availability of illicit alcohol and lack of management due diligence at the premises.

(B) Members were satisfied that the management had failed to demonstrate due diligence for the protection of children from harm and the prevention of crime and disorder and public safety and therefore looked at whether removing the DPS would resolve the problem. Members looked to the shop assistants submission that the DPS is rarely at the premises in any event and therefore determined that this would not sufficiently address the problem; and

(C) Members looked at steps that had been taken by Sheffield Trading Standards, including resorting to prosecuting Mr Patel for having illicit alcohol, and determined that it was appropriate to remove this licensable activity from the licence. As this is the only licensable activity on the licence and having looked at all of the alternatives, Members determined in this instance, taking into account all of the evidence heard, that they had no choice but to revoke the Premises Licence; and

(b) agrees to modify the conditions of the Premises Licence in respect of the premises known as Rhythm & Booze, 8 Middlewood Road, Sheffield, S6 4GX (Ref. No. 01/16), following the submitted transfer application, subject to the following conditions:-

(i) The Challenge 25 scheme will be in operation at all times, with a refusals log kept on the premises, for use at all times, and made available to officers;

(ii) All staff must receive training on underage sales to a standard agreed with the Sheffield Safeguarding Children Board (SSCB) before being authorised to sell alcohol. Staff will sign to confirm they have been trained;

(iii) Staff refresher training will be carried out at three-monthly intervals, with records of the training and confirmation signatures being kept on

the premises and made available to officers on request;

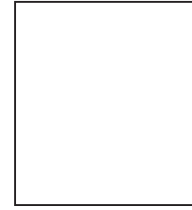
- (iv) A colour CCTV system, to the specification of South Yorkshire Police, will be fitted, maintained and in use, at all times whilst the premises are open. The CCTV images will be stored for 31 days, and police and authorised officers of the Council will be given access to them for purposes in connection with the prevention and detection of crime and disorder. CCTV footage shall be downloaded and provided to South Yorkshire Police on request. Members of the management team will be trained in the use of the system. A copy of the specification, dated July 2012, will be available at all times for inspection by the police and authorised officers.

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

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 18th February, 2016

Subject: Review of Hackney Carriage Vehicle licence Limitation Policy:
Intention to undertake unmet demand Survey

Author of Report: Clive Stephenson – 27 34264

Summary: To present to the Licensing Committee the Review of Hackney Carriage Vehicle licence Limitation Policy: Intention to undertake unmet demand Survey

Recommendations: That Members of the Licensing Committee approve the Review of Hackney Carriage Vehicle licence Limitation Policy: Intention to undertake unmet demand Survey

Background Papers: Not applicable

Category of Report: OPEN

**Review of Hackney Carriage Vehicle licence Limitation Policy:
Intention to undertake unmet demand Survey**

1.0 Purpose

- 1.1 To review and approve the Councils Policy in relation to Limiting the Numbers of Hackney Carriage Licences issued.
- 1.2 To approve the process to invite tenders for the completion of an unmet demand survey to run from May 2016 to Aug 2016.

2.0 Background

- 2.1 The last review of this policy took place in 2010. The last survey conducted by Mouchel Ltd was undertaken in 2009, and published in 2010.
- 2.2 Currently the Council Limitation is set at 857.
- 2.3 At the time of writing the report the current limit has been reached.

3.0 Legal Requirements

- 3.1 The Council are duty bound to accept applications for Hackney Carriage licences.
- 3.2 To refuse a licence on the grounds of a limitation policy is permitted and the Council have refused applications on these grounds.
- 3.3 The Department of Transport released a best practice guide in March 2010. Section 49 of the document stated;

“If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.”

- 3.4 The Law Commission published a midterm report in 2014 when drawing up the Taxi Licensing Bill. The Commission, at the outset of information gathering for the report, were minded to recommend that Limitation should be abolished.

- 3.5 The Law Commission, after consultation, produced a report. Sections 11.69 & 11.70 detailed their recommendations stating:

“We have noted the strong view put forward during consultation that quantity restrictions can have a positive role to play within the taxi licensing framework and have found a lack of empirical evidence of the benefits of derestriction.

“Our initial view was that derestriction would be likely to provide the most efficient use of resources by enabling the market to determine supply and demand. However, having listened to the responses to our consultation, we recognise that some limitation on taxi licence numbers may, in some areas, be desirable.”

- 3.6 To enable this The Law Commission recommended the introduction of a Public Interest Test:

Section 11.82

“Our proposed public interest test could operate in a similar way to that in the Transport Act 2000, whereby local authorities are required to consider a public interest test before introducing a quality contracts scheme – essentially a bus franchise.”

Section 11.83

“In order to promote consistency, transparency and better quality decision-making, we recommend that the Secretary of State should have the power to make regulations prescribing how the public interest test should be applied.

This could include, but not be limited to, the current content of the Department for Transport’s best practice guidance.

We recommend, for example, that so-called “peaked demand” should continue to be taken into account. Regulations might further specify how evidence in respect of each of the statutory factors should be analysed and taken into account. This can be important in ensuring transparency and consistency. We recommend that the regulation-making power should cover the following topics: what might constitute appropriate evidence; methodology; weighting; and benchmarks.”

- 3.7 The Law Commission’s Report has not been implemented or considered by the Secretary of State for Transport. Thus the recommendations of the Commission are not in force and we have no indication if or when they will be fully considered by the Government.
- 3.8 To have a defence to any appeal the Council must have an up to date Survey to rely upon. To remain valid and up to date the Survey should be no more than 3 years old.

4.0 Recommendations

- 4.1 The Chief Licensing Officer, Head of Licensing Services is granted permission to begin the tender process to identify a supplier to undertake the Survey on behalf of the Council.
- 4.2 If 4.1 accepted then the Chief Licensing Officer, Head of Licensing Services is requested to produce a further report to this committee once the supplier has been identified and selected.
- 4.3 if 4.1 accepted, The Chairs of the committee be available to be included in the tender award group.

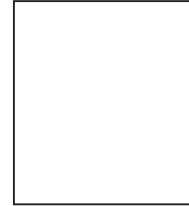
5.0 Options

- 5.1 That members approve the recommendation as stated in 4.0.
- 5.2 Reject the recommendation and lift limitation of numbers.
- 5.3 That members defer the report for further consideration and information.

Steven Lonnia
Chief Licensing Officer
Head of Licensing Service
18th February 2016



SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 18th February, 2016

Subject: Hackney Carriage and Private Hire Drivers Policy

Author of Report: Craig Harper – 27 34264

Summary: To present to the Licensing Committee for approval the final draft of the Hackney Carriage and Private Hire Drivers Policy

Recommendations: That Members of the Licensing Committee approve the Hackney Carriage and Private Hire Drivers Policy with any amendments that they consider appropriate.

Background Papers: Not applicable

Category of Report: OPEN

Hackney Carriage and Private Hire Drivers Policy - Approval

1.0 SUMMARY

1.1 The Licensing Service are streamlining the current policies in relation to the Licensed Hackney Carriage and Private Hire Trade. They are creating three policies, as follows;

- Hackney Carriage & Private Hire Drivers Policy;
- Private Hire Vehicle & Operators Policy; and
- Hackney Carriage Vehicle Policy

1.2 These three policies will replace the plethora of existing policies, of which there are over 25.

1.3 This report seeks the approval of the final draft “Hackney Carriage & Private Hire Drivers Policy” and for members to agree the implementation date as the 1st April 2016.

1.4 The remaining two policies will be placed before the Committee later this year.

2.0 WHAT DOES THIS MEAN TO THE PEOPLE OF SHEFFIELD

2.1 We are proud of Sheffield’s reputation as a safe and vibrant city which includes the provision of licensed vehicles which are valued by residents, visitors and businesses.

2.2 The new Drivers Policy should guide the licensed trade and new applicants when making applications under the relevant legislation, and should be regularly used to assist Councillors in reaching decisions on any applications that come before them.

2.3 The people of Sheffield want to be assured that licensed drivers operating in our City are of the highest quality, and can be held to account for their performance. The Council recognises the important role that hackney carriage and private hire vehicles play in enabling people to travel around the City, in doing so they also have a role in portraying the image of the City.

2.4 As a Council we are aware of the key role as ambassadors for the City that drivers must play if we are to enhance our reputation. Customers rightly expect that in using licensed vehicles they will be transported in comfort & safety and that they will be taken to their destination via the quickest route.

2.5 Sheffield City Council has always sought to set some of highest standards in the country and be recognised for delivering best practice. We should not move away from this philosophy and in particular we should strengthen our intention to protect both the public and safeguard children and the vulnerable.

2.6 At the heart of the policy is our commitment to:

- protect the public;
- safeguard children and the vulnerable;
- prevent crime and disorder; and
- prevent public nuisance.

2.7 The Policy also sets out our general approach to the licensing of hackney carriage & private hire drivers in the City which supports the Council's priorities:

- An in touch organisation;
- Strong economy;
- Thriving neighbourhoods and communities;
- Better health and wellbeing; and
- Tackling inequalities

3.0 BACKGROUND

3.1 The hackney carriage and private hire industry is governed by two main pieces of legislation, these are:

- Town Police Clauses Act 1847; and
- The Local Government (Miscellaneous Provisions) Act 1976

3.2 The Local Government (Miscellaneous Provisions) 1976 Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978. The Act sets out the 'fit and proper' test which has been used to help set this policy.

3.3 Policy, including licence conditions and standards for vehicles and drivers is considered by the Licensing Committee. It is recognised nationally as best practice to develop and publish policies, these should be kept under review at all times and should in any case undergo a full review every three years.

3.4 The licensing authority, acting as the Council, currently has in place several separate policies that it uses to determine 'fit and properness', set licence conditions and vehicle standards.

3.5 The aim of the Hackney Carriage and Private Hire Drivers Licence Policy is to create a unified policy that brings together all policies and procedures in one place. Creating a unified policy will allow clarity for drivers and operators, as well as strengthening the council's position if there is a challenge against a decision in court.

4.0 WHAT DOES THE POLICY DEAL WITH?

4.1 The policy deals with hackney carriage and private hire drivers licensing, including the legislative background, the 'fit and proper' test, pre-application examinations and tests, background checks, Child Sexual Exploitation, enforcement and much more.

4.2 The policy provides information, guidance and our policy objectives on all things pertaining to the licensing of hackney carriage and private hire drivers.

4.3 The policy will guide the Licensing Committee when determining applications and assist the Licensing Authority in administering and enforcing the licensing of hackney carriage and private hire drivers.

4.4 It provides new applicants and those already licensed with one policy document, providing clarity as to the Council's approach.

4.5 The key changes include;

- Safeguarding children and vulnerable passengers
- Certificate in Hackney Carriage and Private Hire Licensing
- Online DBS Checks
- Driver Referral Policy – Relevance of Convictions and Cautions
- Medical Assessment
- Assistance Animal Exemption Certificate
- Right to Work in the UK
- Duration of Licence
- Illegal plying for Hire
- Driver Conduct complaints

5.0 WHAT THE POLICY DELIVERS

5.1 The Hackney Carriage and Private Hire Drivers Licence Policy will assist the Council in achieving its priorities, as outlined below:

- **An in touch organisation**

How the Licensing Service will contribute:

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; and
- Efficient – continually strive to provide value for money improving quality and outcomes

- **Strong economy**

How the Licensing Service will contribute:

Help achieve our economic potential, be well connected, with skilled individuals and assist businesses:

- Vibrant City – help to provide good public transport

- **Thriving neighbourhoods and communities**

How the Licensing Service will contribute:

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; and
- Assist in improving community safety by reducing antisocial behaviour

- **Better health and wellbeing**

How the Licensing Service will contribute:

Promote good health, and assist in preventing and tackling ill health:

- Provide information and education around the impact of alcohol;
- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health; and
- Provide a taxi licensing system that aims to meet the needs of vulnerable passengers

- **Tackling inequalities**

How the Licensing Service will contribute:

Help invest in the most deprived communities and support individuals to help themselves:

- Through licensing help promote equality, diversity and inclusion

6.0 CONSULTATION

- 6.1 A formal consultation period began on Tuesday, 22nd September 2015 and concluded at 5:00pm on Monday, 30th November 2015.
- 6.2 Over 3000 letters and emails regarding the consultation were sent to licensed drivers, proprietors of licensed vehicles, trade representatives, elected members, local MP's, South Yorkshire Police, Sheffield City Council Transport Service, Disability Access Team, neighbouring local authorities, locality officers, Sheffield City College and local GP's who are registered with the licensing authority.
- 6.3 Information regarding the consultation was also published on the Licensing Service webpages.

7.0 THE RESULTS AND AMENDMENTS TO THE POLICY FOLLOWING CONSULTATION

- 7.1 The Licensing Service has received 19 responses to the formal consultation exercise and an overview of the details of those responses is attached at Appendix 'A'. Full details (copies) of all responses will be available at the meeting if required.
- 7.2 The final draft policy is attached to the report at Appendix 'B' for your information.

8.0 PROPOSED TIMEFRAME

- 8.1 It is proposed that if the policy is approved that it comes into force on Friday, 1st April 2016.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are no financial implications arising from this report.
- 9.2 The work undertaken on the Hackney Carriage and Private Hire Drivers Licence Policy has been undertaken within the current resources and budget of the Licensing Service.

10.0 RECOMMENDATIONS

- 10.1 That Members of the Licensing Committee approve the Hackney Carriage and Private Hire Drivers Licence Policy as attached at Appendix "B".

11.0 OPTIONS OPEN TO THE COMMITTEE

- 11.1 To approve the Hackney Carriage & Private Hire Drivers policy as attached at Appendix "B" to come in to force on the 1st April 2016.
- 11.2 To approve the Hackney Carriage & Private Hire Drivers policy as attached at Appendix "B" with amendments to come in to force on the 1st April 2016.
- 11.3 To approve the Hackney Carriage & Private Hire Drivers policy as attached at Appendix "B" with or without amendments to come in to force on an agreed date.

11.4 To defer the Hackney Carriage & Private Hire Drivers Policy as attached at Appendix “B” for further consideration.

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

18th February, 2016

Consultation Comments Received

No	Name	Organisation / Service / Premises	Overview of Comments	Has the Policy been updated following the comments?
1	Julie Hague	Sheffield Safeguarding Children Board	Recommended a minor change to wording under the child safeguarding section.	Yes
2	Phil Ashford	Sheffield Futures	Welcomed information on CSE. Enquired if we could provide more information in terms of the law.	No
3	UBER	Private Hire Operator	Would like to see a Reduction in barriers in order to obtain a Private Hire Driver Licence: <ul style="list-style-type: none"> • Removing Knowledge Test • Allowing DBS by third parties 	No
4	GMB	Trade Union	Would like to see a change to delegated power. An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format. A change to the Knowledge Test, improving standards. An objection to the DBS checks – Certificate of Good Character Report. Would like to Remove ID badges in licensed vehicles.	No Yes No Yes No
5	Sheffield Taxi Trade Association	Trade Organisation	Supportive of the Level 2 Certificate in the Introduction of the role of the professional taxi and private hire driver for new applicants. Supportive of the Knowledge Test. Supportive of Driving Standards Examination.	N/A N/A N/A

			Supportive of training in Safeguarding Children and Vulnerable Passengers.	N/A
			An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.	Yes
			Supportive of Age and Experience requirements.	N/A
			An objection to the DBS checks – Certificate of Good Character Report.	Yes
			Supportive of Driver's Referral Policy.	N/A
			Supportive of Medical Policy.	N/A
			Supportive of Assistance Animal Exemption Certificate policy.	N/A
			Supportive of Right to Work in the UK policy.	N/A
			Supportive of DVLA checks. Sought clarification as to how it would operate.	N/A
			Supportive of Dual Licence policy.	N/A
			Supportive of Duration of Licence policy.	N/A
			Supportive of Code of Good Safeguarding Conduct section in Mandatory Conditions.	N/A
			Supportive of Safeguarding Children and Vulnerable Adults policy.	N/A
			Supportive of Illegal Plying for Hire policy.	N/A
			Supportive of Driver Complaints policy.	N/A
6	Paul Oxley	Licensee	An objection to the Certificate in Hackney Carriage and	Yes

			Private Hire Licensing in its current format.	
7	Richard Oxley	Licensee	An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.	Yes
8.	Kamran Afzaf	Licensee	Document contains too many legal jargons Found it difficult to understand; too many technical terms. Would like to know what protection is available for licensees. Would like information on what grounds a license can be revoked and the expected standards of a licensee. Would like information on safeguarding training. Cites there is no information on training and qualifications. Information sought on checking overseas drivers.	No No No No Information in regards to this is contained in the policy. Information in regards to this is contained in the policy. No
9.	K Hussain	Licensee	An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.	Yes
10.	Nosheen Hussain	Licensee	Would like to see the implementation of safety cameras.	This is better placed in the vehicle policy.
11.	Arshad Mahmood	Licensee	An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format. Cited the speed of the consultation was too fast.	Yes N/A
12.	Gulzar Hussain	Licensee	Referenced licensees from other districts working in Sheffield, and how as a Council we can stop this.	Comments not in relation to the consultation.
13.	Ahsan Ashraf	Licensee	Questioned the use if the 'fit and proper' test. Would to like to see a change to the definition. An objection to the Certificate	This is imbedded in law. No change made. No Yes

			<p>in Hackney Carriage and Private Hire Licensing in its current format.</p> <p>Questioned the age policy.</p> <p>Concerns raised on the referral criteria, specifically in relation to unproven allegations in relation to sex offences and child sexual exploitation.</p> <p>Does not want the issuing of dual licenses.</p> <p>Issues over reporting concerns about children and vulnerable adults.</p> <p>Would like to see changes to the byelaws.</p>	<p>No</p> <p>No</p> <p>No</p> <p>Yes – Wording changed.</p> <p>No</p>
14	Asima Arif	Licensee	<p>Welcomes the introduction of the new policy</p> <p>An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.</p> <p>Concerns of over the Council's right to overturn a decision that has been previously made where errors are discovered.</p>	<p>N/A</p> <p>Yes</p> <p>No</p>
15	Sajid	Licensee	<p>An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format.</p> <p>An objection to the DBS checks – Certificate of Good Character Report.</p> <p>Concerns over the issuing of dual licenses.</p>	<p>Yes</p> <p>Yes</p> <p>No</p>
16	Derek	? Maybe a licensee	<p>Welcoming and agrees to new policy.</p> <p>Referenced licensees from other districts working in Sheffield, and how as a Council we can stop this.</p>	<p>N/A</p> <p>Comments not in relation to the consultation.</p>
17	Waseem	Licensee	Stated that the URL link for	This was checked and found

	Mohammed		the consultation is inactive. Stated that track changes were not used to highlight changes.	not to be true. First policy of its type so no option to do this.
18	Arshad Mahmood	Licensee	An objection to the Certificate in Hackney Carriage and Private Hire Licensing in its current format. An objection to the DBS checks – Certificate of Good Character Report.	Yes Yes
19	Asma Akhtar	Licensee	Happy with the policy, citing 'very clear and concise'.	N/A

SHEFFIELD CITY COUNCIL'S
Hackney Carriage and Private Hire
Driver's Policy

Contents

		Page No.
Part 1	Foreword	4
Part 2	Introduction	6
Part 3	Aims and Objectives	7
Part 4	Legislative Background	9
Part 5	Integrating Strategies	11
Part 6	Delegations	14
Part 7	Exchange of Information	16
Part 8	Application Procedure Flowchart	17
Part 9	Fit and Proper Person Requirement	18
Part 10	Driver Pre-application Requirements	19
	Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver Knowledge Test	19
	Driving Standards Examination	20
	Safeguarding Children and Vulnerable Passengers	21
	Training in Hackney Carriage and Private Hire Licensing	22
	Requirement for Licensees to Retake Examinations, Tests and Training	22
Part 11	Driver Background Checks	23
	Age and Experience of Applicant	24
	Disclosure and Barring (DBS) Checks	24
	Relevance of Convictions, Cautions, Reprimands and Warnings	25
	Medical Assessment	27
	Assistance Animal Exemption Certificate	28
	Right to work in the United Kingdom	29
	Driving and Vehicle Licensing Agency (DVLA) Checks	30
Part 12	Hackney Carriage and Private Hire Driver Licenses	32
	Dual Licence	32
	Duration of Licence	32
	Conditions Attached to a Licence	33
	Safeguarding Children and Vulnerable Passengers	35
	Byelaws	36
Part 13	Compliance and Enforcement	37
	Better Regulation Delivery Office: Regulators' Code, 2014	37
	Better Regulation Unit: Enforcement Concordat	38
	Enforcement and Non-Compliance Options	38
	Illegal Plying for Hire	41
Part 14	Complaints	43
	Guidance Information on Submitting a Complaint	43
	Conduct and Professionalism	43
	Appendix A	44
	Appendix B	46
	Appendix C	50
	Appendix D	52

Frequently Used Terms

The following terms are used frequently throughout this Policy document.

<p>'The licensing authority'</p>	<p>Refers to Sheffield City Council which carries out its function as Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 as well as other relevant legislation and policies.</p>
<p>'The Council'</p>	<p>Refers to Sheffield City Council.</p>
<p>'The Licensing Committee'</p>	<p>Refers to the committee of Sheffield City Council.</p>
<p>'The Licensing Sub-Committee'</p>	<p>The Sub-Committee conducts hearings and makes determination in relation to the licensing of Hackney Carriages and Private Hire Drivers, Vehicles and Operators as well as related enforcement matters.</p>
<p>'Licensing Policy'</p>	<p>Refers to this document, Sheffield City Councils Hackney Carriage and Private Hire Driver's Policy</p>

We are proud of Sheffield's reputation as a safe and vibrant city which includes the provision of licensed vehicles which are valued by residents, visitors and businesses. It is important that these operate lawfully and sensitively, taking account of the needs of customers but also the wellbeing of nearby residents, and people enjoying other activities.

In Sheffield, we will use this Drivers Policy to guide the licensed trade and new applicants when making applications under the relevant legislation, and to assist councillors in reaching decisions on those applications that they consider.

We believe this is a robust policy. We welcome and support those seeking to work in the hackney carriage and private hire trade, and we have, through writing and adopting this policy, in our view, created a fair and proportionate balance.

Sheffield City Council seeks to set some of highest standards in the country and be recognised for delivering best practice; our intention is to both protect the public and safeguard children and the vulnerable.

This Policy is designed to promote improved professional standards and behaviours amongst licenced drivers, to increase their awareness of safeguarding issues, and to allow those that share the Council's vision and commitment to achieve a high standard of service to thrive.

The policy will make it extremely difficult for any disreputable individuals to operate within the licensed trade in Sheffield.

At the heart of the policy is a commitment to:

- protect the public;
- safeguard children and the vulnerable;
- prevent crime and disorder; and
- prevent public nuisance.

This document sets out Sheffield City Council's general approach to the licensing of private hire & hackney carriage drivers in the City which supports the Council's priorities:

- An in touch organisation;
- Strong economy;
- Thriving neighbourhoods and communities;
- Better health and wellbeing; and
- Tackling inequalities

We aim to ensure that licensed drivers operating in the City are of the highest quality, and can be held to account for their performance.

The Council recognises the important role that hackney carriage and private hire vehicles play in enabling people to travel around the City, in doing so they also have a role in portraying the image of the City.

The drivers themselves have a key role as ambassadors for the City and customers rightly expect that in using licensed vehicles they will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.

We are committed to building on a partnership approach with the licensed trade and will continue to look at improving standards to ensure that Sheffield remains a safe place to visit and enjoy your leisure time and that everyone has a safe and pleasant journey home in our licensed vehicles.

The policy has been the subject of a ten week consultation period and we are grateful to all those who submitted comments that have helped to shape the final policy.

The council will implement the policy as from 1st April 2016 and will keep the policy under constant review and will in any case undertake a full formal review in three years.

Part 2 – Introduction

Sheffield City Council is responsible for the regulation of hackney carriage and private hire drivers, vehicles and operators within the city boundary. The policy builds on the experience and knowledge we have gained by administering and enforcing the legislation for many years, particularly when addressing issues that may impact on the safety and well-being of our residents, visitors to the city and those working in the city.

We want to promote Sheffield as a city of cultural excellence, increase engagement in cultural activities and encourage vibrant, safe and strong communities. We want to celebrate cultural diversity and respect and provide for the needs of all those that live, visit or work in our city.

This policy and any related procedures and processes will guide the work of Sheffield City Council and the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers and vehicles to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

The policy has been developed by Sheffield City Council after consulting with both the public at large and the trade in particular. In developing this policy we have also taken into consideration:

- Our aims and objectives (see section 3 of this policy)
- Current legislation
- Other Sheffield Council Policies
- The Office of Fair Trading “The Regulation of Licensed Taxi and PHV Services in the UK” 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2014
- Regulators’ Code 2014
- The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010 (under review)

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However each application or enforcement action will be considered on its own merits.

The policy will be evaluated 12 months after it has been introduced, this will be to determine whether the policy is effective and has achieved the aims set out in Section 3 of this document. Following this initial evaluation, the Council will formally review the policy statement at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

Part 3 – Aims and Objectives

The principal purpose of hackney carriage and private hire driver licensing is to protect the public and promote public safety. Sheffield City Council will adopt and carry out its licensing functions with a view to promoting the following:

- the protection of the public, safeguarding children and the vulnerable,
- prevention of crime and disorder, prevention of public nuisance;
- the provision of professional, courteous and knowledgeable drivers; and
- promoting the Vision and Objectives of Sheffield City Council

In promoting our aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the high standards set by the Council.

The protection of the public, safeguarding children and the vulnerable, prevention of crime and disorder, prevention of public nuisance:

- raising awareness amongst the licensed trade, and the general public, of the issues in relation to safeguarding children and vulnerable adults;
- impose strict policies, conditions and disciplinary processes;
- administer regular accurate vetting, and monitoring of licensees;
- impose qualification requirements, establish local training and educational standards and processes;
- give a commitment to work with the police and other licensing authorities; and
- make it clear that there is an expectation that all licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

Professional and knowledgeable drivers:

- consider the history of an individual's convictions and cautions;
- consider the history of complaints received against the individual;
- deliver driver training and increasing knowledge, checking qualifications and performance;
- testing the knowledge of the Sheffield City Council area;
- checking the health and fitness to fulfil the role of a licensed driver;
- promote crime prevention measures;
- check safety at ranks including the protection of drivers;
- conduct regular driver health checks; and
- increase public education.

Promoting the vision and objectives of Sheffield City Council

Everyone in Sheffield should have the opportunity to fulfil their potential, in doing this the priorities of the Council will be enhanced by:

- protecting our most vulnerable people and families, enabling them to maximise their independence;
- ensuring all areas of Sheffield are safe, clean and well maintained;

- helping people to improve their health and wellbeing and promoting equality within the city;
- stimulating the local economy and helping local people into work;

The above aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of these and the Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the police, local businesses and local people towards the promotion of these aims and objectives.

Part 4 – Legislative Background

Sheffield City Council must adhere to the regulatory frameworks as set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 in respect to the licensing of hackney carriage and private hire drivers.

The legislative framework contained in these two Acts, as well as the policy objectives set out in this document will be used in relation to all issues pertaining to the licensing of private hire and hackney carriage drivers.

Town Police Clauses Act 1847

The Town Police Clauses Act 1847 is used by Sheffield City Council to regulate the hackney carriage and private hire trade.

A hackney carriage driver's licence is issued by the Council in accordance with the Town Police Clauses Act 1847, Section 46. It states:

'No person shall act as a driver of any hackney carriage licensed in pursuance of the Act to ply for hire within the prescribed distance without first obtaining a licence from the commissioners (now the Council), which shall be registered by the clerk to the commissioners (licensing officers).'

Local Government (Miscellaneous Provisions) Act 1976

The Local Government (Miscellaneous Provisions) Act 1976 is used by Sheffield City Council to regulate the private hire trade. The Act was adopted by Sheffield City Council at its meeting on Wednesday 1st March 1978.

A private hire driver's licence is issued by the Council in accordance with the Local Government (Miscellaneous Provisions) Act 1976, Section 51. It states:

'Subject to the provisions of this Part of the Act, a district Council shall, on receipt of an application from any person for the grant of a licence to drive private hire vehicles grant that person a driver's licence.'

Integrating National Legislation

In addition to compliance with the above Acts, the licensing authority must also comply with other legislative requirements when undertaking its licensing functions; these include, but are not limited to the:

- **Transport Act 1985, 1991 and 2000** – An Act which provides a number of measures regarding transport in Great Britain.
- **Crime and Disorder Act 1998** – An Act that introduces key areas such as Anti-Social Behaviour Orders, Sex Offender Orders, Parenting Orders and the granting of more powers and responsibilities to local authorities with regards to strategies for reducing crime and disorder and the introduction of law specific to racially aggravated offences.

- **Anti-Social Behaviour, Crime and Policing Act 2014** – An Act to implement changes to how Local Authorities respond to antisocial behaviour (ASB). Introducing new tools and powers to replace existing provisions, including the introduction of ASB case reviews, also known as the ‘community trigger’.
- **Equality Act 2010** - An Act that legally protects people from discrimination in the workplace and in wider society. The Act covers all provisions from the 1995 Disability Discrimination Act, and also includes new duties for drivers and their vehicles.
- **Road Traffic Act 1988** - An Act governing the use of all vehicles on the road.
- **Health Act 2006** – An Act to make provision for the prohibition of smoking in certain premises, places and vehicles.
- **Human Rights Act 1988** - An Act to give further effect to rights and freedoms guaranteed under the European Convention of Human Rights.
- **Rehabilitation of Offenders Act 1974** - An Act that primarily exists to support the rehabilitation into employment of reformed offenders. Private hire and hackney carriage driving is an exempt occupation under the Act, therefore spent convictions will still be taken into consideration.

Part 5 – Integrating Strategies

The licensing authority will have regard to strategies, policies and guidance in its decision making, including those developed by internal services and partnerships forged with outside organisations.

The following plans and strategies have been considered throughout this policy, helping to shape and define the objectives that the licensing authority has set in place for all applicants and licensees involved in the private hire and hackney carriage industry.

Sheffield City Council Corporate Plan 2015-2018

The corporate plan sets our direction and priorities for the next three years.

Priority 1: An in touch organisation

How the Licensing Service will contribute: 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; and
- Efficient – continually strive to provide value for money improving quality and outcomes

Priority 2: Strong economy

How the Licensing Service will contribute: Help achieve our economic potential, be well connected, with skilled individuals and assist businesses:

- Vibrant City – help to provide good public transport

Priority 3: Thriving neighbourhoods and communities

How the Licensing Service will contribute: 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; and
- Assist in improving community safety by reducing antisocial behaviour

Priority 4: Better health and wellbeing

How the Licensing Service will contribute: Promote good health, and assist in preventing and tackling ill health:

- Provide information and education around the impact of alcohol;
- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health; and
- Provide a taxi licensing system that aims to meet the needs of vulnerable passengers

Priority 5: Tackling inequalities

How the Licensing Service will contribute: Help invest in the most deprived communities and support individuals to help themselves:

- Through licensing help promote equality, diversity and inclusion

Safer and Sustainable Communities Partnership Plan 2011-2014

The Sheffield First Safer Communities Partnership is the city's Community Safety Partnership and has a statutory responsibility to produce a multi-agency plan to tackle crime, anti-social behaviour and drug and alcohol misuse, as well as to seek to develop cohesive communities and support people from different backgrounds to get on well together.

The Partnership's priorities for the years 2014-17 are:

- **Victims:** Tackling crimes that affect people's quality of life, encouraging people to report typically under-reported areas such as domestic abuse and hate crimes and hate incidents, and providing support to victims of crime and anti-social behaviour;
- **Vulnerable people:** Including those experiencing domestic abuse, those at risk of sexual exploitation, those suffering from alcohol or substance misuse, those subject to repeat anti-social behaviour or bullying and those with mental health needs;
- **Re-offending:** Working in partnership to support those who have offended not to offend again, by focussing on, for example, mental health issues, drug and alcohol abuse and other drivers for offending behaviour;
- **Cohesion:** Supporting relationships between communities, including inter-generational, inter-faith, inter-ethnicity and background, to get on together and be tolerant of each other; and
- **Crime and anti-social behaviour:** Focus on tackling and reducing key challenges such as burglary and anti-social behaviour, by using the tools and powers available and by working partnership.

Safeguarding Children and Vulnerable Adult Policy

The licensing authority considers the Sheffield Safeguarding Children Board to be the primary recognised body competent to give advice on the protection of children and vulnerable passengers. For the purpose of this Policy a child is anyone under the age of 18 years.

The Sheffield Safeguarding Children Board takes a positive view of this role and where possible, is committed to working in partnership with licensed operators, statutory agencies and other organisations to ensure licensed transport services recognise and aim to meet the needs of children and vulnerable passengers.

The licensing authority expects licensed operators to comply with training and guidance provided or endorsed by the Sheffield Safeguarding Children Board to ensure a safe and

appropriate service is available for children and vulnerable passengers who live in, or visit, our city.

The licensing authority will also work in partnership with internal services, the Safeguarding Children Board, Adult Safeguarding Partnership and other relevant partners to develop good practice guidance and share information to promote public safety and safeguarding vulnerable passengers. The Council will recognise and support the work of the Safeguarding Vulnerable Passengers Strategic Group.

Part 6 – Delegations

The licensing authority has established a Licensing Committee that consists of 15 Councillors. The Licensing Committee has the authority, amongst other licensing matters, to discharge non-executive regulatory functions in respect to hackney carriage and private hire licensing and to help formulate and review licensing policies in this regard.

The Licensing Committee has further delegated its functions to a Licensing Sub-Committee, usually consisting of three members that have been selected from the Licensing Committee, and are responsible with hearing individual cases.

In addition, the Chief Licensing Officer/Head of Licensing has been delegated to appoint and authorise Licensing Officers to investigate and discharge statutory duties under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Some of these authorised powers include, but are not limited to:

- Accepting applications;
- Granting of licenses;
- Suspension of licenses;
- Issuing warnings/cautions;
- Investigation and preparation of prosecution files; and
- Investigating complaints/offences.

Those applications that cannot be determined by licensing officers will be referred to the Licensing Sub-Committee for determination.

There is a right of appeal against licensing authority and Licensing Sub-Committee decisions. Appeal applications must be made to Sheffield Magistrates' Court within 21 days of the determination.

The table below sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officers
Full Policy/Policy Objectives Review	✓		
Fee setting (when appropriate)	✓		
Application for a hackney carriage and private hire driver's licence		If application falls within referrals criteria or there is cause for concern	If application does not fall within referrals criteria and no cause for concern
Refusal of licence		✓	
Revocation of licence		✓	
Suspension of licence		✓	✓
Review of licence		✓	

Formal Warnings		✓	✓
Investigation or offences and preparation of prosecution files			✓
Complaints		✓	✓

Part 7 – Exchange of Information

The licensing authority, in enabling itself to exercise its duties and functions proficiently, will exchange information with other authorities and legal bodies, specifically in relation to the prevention and detection of crime and prevention of children and the vulnerable from harm.

The licensing authority will apply the general principle of dealing with information in accordance with the provisions of the Data Protection Act 1998.

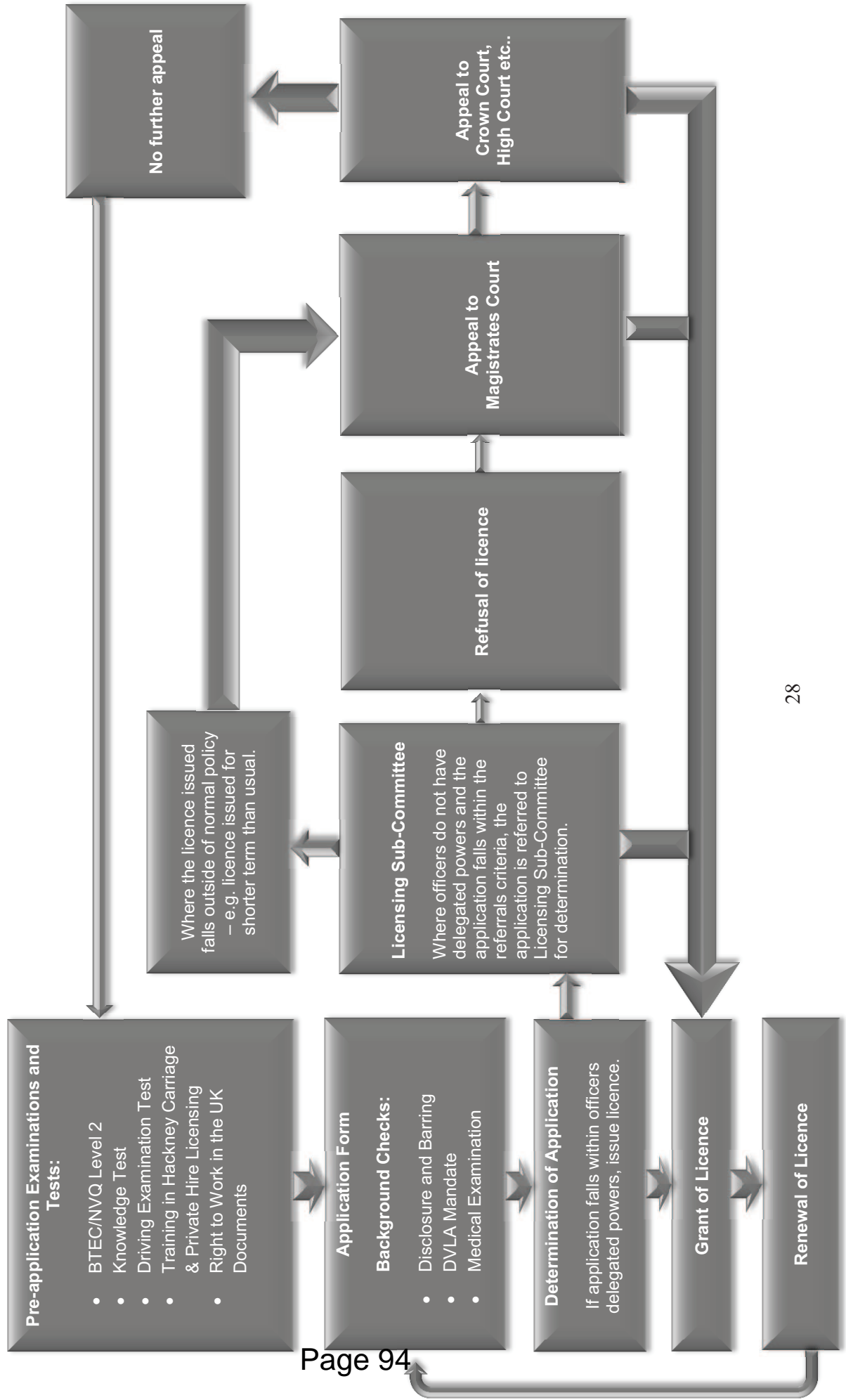
Any information supplied must only be used for the purpose for which it is obtained. It must be securely retained whilst in the possession of the party that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.

The licensing authority has powers contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to request information from licensees and third party organisations.

The licensing authority will apply the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998 on the receipt of requests for information. Full information can be found in the Councils publication scheme.

Under the above Act or in any other circumstances where there is a request for large amounts of information, or where the request is such that it will take the licensing authority time to research and retrieve such information, a charge may be applied.

Part 8 – Application Procedure Flowchart



Part 9 – Fit and Proper Person Requirement

The licensing authority has adopted the 'fit and proper' test as contained in the Local Government (Miscellaneous Provisions) Act 1976, Sections 51 and 59. This states that:

'a district council [the licensing authority] shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence'.

The term 'fit and proper' has no legal definition; however, when deciding whether a person is fit and proper the licensing authority will use a common sense approach, judging each case on its own merits. The burden of proof lies with the applicant proving they are fit and proper, and not the licensing authority proving they are not.

Although there is no legal definition of fit and proper, an explanation of the term was proffered during the case of McCool vs Rushcliffe Borough Council 1998. It was stated that:

'One must it seems to me approach this case bearing in mind the objectives of this licensing regime which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.'

As well as the above definition the licensing authority will also consider the following statement in assessing the fit and properness of an applicant/licensee:

'Would you (as a member of the licensing sub-committee or other person charged with the ability to grant a hackney carriage and private hire driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone'.

In taking into account these statements the licensing authority has established a robust set of measures in deciding whether a person is fit and proper, including, but not limited to, the tests and examinations as contained in Part 10 as well as the background checks identified in Part 11. The fit and properness will be assessed throughout the period for which a person is licensed.

Information contained within this policy, specifically that which relates to fit and properness, will be applied to new applicants and those who are already licensed; retrospective action will be taken where necessary in order to ensure compliance of all those who are currently licensed.

Part 10 – Driver Pre-application Requirements

All applicants and licensed drivers must be able to demonstrate to the licensing authority that they have the right aptitude and skills to possess a licence. Licensed drivers are in a position of great trust and play an integral role in providing a public service to the people who live, visit and work in Sheffield.

The licensing authority must ensure that licensed drivers are of the highest standard and are providing a service that meets the needs of the City. The application procedure, mandatory examinations/tests and background checks have been designed in such a way to ensure the highest of standards are introduced, maintained and enforced accordingly.

Pre-application Qualifications and Tests

In order to assess the fit and properness and suitability of applicants the licensing authority shall undertake a range of pre-application examinations/tests and carry out appropriate background checks.

These examinations, tests and checks are designed to assist the applicant in satisfying the licensing authority that they are a fit and proper person to hold a licence.

The licensing authority has therefore introduced the following examinations and tests that all applicants must undertake and pass as the first stage in applying for a licence.

Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver

The licensing authority believes that, due to the nature of the role and the high demands and pressures that are brought with it, all applicants who are not currently licensed with the authority should undertake and pass a nationally recognised qualification that includes, but is not limited to, customer care, road safety and meeting the needs of people with disabilities.

Policy – Objective 1

Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver.

The licensing authority believes that all applicants applying for a licence should undertake, due to the nature of the role, a nationally recognised course that includes qualifications for the passenger transport industry.

Therefore all applicants are required to undertake and pass a Level 2 BTEC, or similarly recognised qualification, in the *Introduction to the Role of the Professional Taxi and Private Hire Driver*.

The course should cover the following units as a minimum:

- Carry fare paying passengers within the framework of the private hire industry;
- Drive a taxi or private hire vehicle in a professional manner;
- Ensure health and safety of the taxi and private hire driver and passengers;
- Plan routes in the taxi and private hire industries;
- Process fares and charges for private hire passengers;
- Provide professional customer service in the taxi and private hire industries;
- Provide a safe and legal vehicle for transporting passengers by taxi and/or private hire;
- Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle;
- Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance; and
- Transport children and young persons by taxi, private hire or chauffeuring.

Unregulated qualifications will not be recognised and therefore not accepted. A list of all regulated qualifications can be found by visiting <http://register.ofqual.gov.uk>. It is advisable that applicants contact the licensing authority should they have any concerns about the legitimacy or standard of a course before undertaking.

Knowledge Test

The very nature of a private hire and hackney carriage driver is to transport passengers from one place to another, and to this end all licensees must have a sound knowledge of Sheffield city centre and the surrounding suburbs.

It is imperative that licensees do not have to rely on electronic devices and other forms of navigation equipment to be able to travel from place to place; they should have a sound knowledge of all major interests points in Sheffield, as well as the many different districts with which people live in and visit.

Policy – Objective 2

Knowledge Test

Hackney carriage and private hire drivers must have a sound geographical knowledge of Sheffield in order that they carry out their role proficiently and efficiently.

All applicants are therefore required to undertake and pass a Knowledge Test as devised by the licensing authority. The test is designed to examine applicant's knowledge of Sheffield and will include questions on:

- places of interest;
- districts; and
- routes between places of interest.

Applicants will be provided with guidance documentation produced by the licensing authority detailing the places of interest and districts that will form part of the test. It is the applicant's responsibility to revise sufficiently and to seek information; under no circumstances will answers be provided by the licensing authority.

The pass mark is set at 80% for each section; therefore a failure in one section will mean an overall failure. Those applicants that do not achieve the required pass mark will only be provided with feedback upon request and at the discretion of a licensing officer.

A non-refundable fee will be paid for each test undertaken. It is recommended that applicants leave a sufficient amount of time before booking a test in order to give themselves the best possible chance of passing the test without having to retake. Those applicants that fail three successive knowledge tests will be required to wait a period of not less than twelve months (from the date of the most recent failure) before reapplying.

Applicants must make a full application within 12 months of passing the test. Those applicants that fail to do so will be required to undertake and pass the test again and submit an application within the specified timeframe.

Those licensees, for whom we receive continuous complaints in regards the geographical knowledge of the city, and for which evidence can be provided, will be referred to the Licensing Sub-Committee where they may require that a licensee retake the knowledge test. Failure of the test may lead to their licence being suspended until such time that they pass the test. Any costs incurred will be met by the licensee.

Driving Standards Examination

The licensing authority expects high standards from all licensees and it is expected that the driving standards of a licensed driver should be higher than that of a normal road user.

It is therefore necessary for all applicants to undertake a driving assessment.

Policy – Objective 3

Driving Standards Examination

Applicants are expected to demonstrate an above average knowledge of the principles of good driving and road safety, and to prove this knowledge can be applied in practice.

All applicants are therefore required to undertake and pass a driving standards test carried out by a suitably qualified driving standards examiner at Sheffield City Council's Transport Department.

All assessments will include any three of the following manoeuvres: emergency stop, left hand reverse, right hand reverse, turn in the road and reverse park.

Applicants will also be tested on their knowledge of the Highway Code and are advised to obtain and study the Driving Standards Agency book – *Driving – The Essential Skills*.

A non-refundable fee will be paid for each test undertaken. There is no limit on the number of tests that can be undertaken in a specific timeframe.

Applicants must make a full application within 12 months of passing the test. Those applicants that fail to do so will be required to undertake and pass the test again and submit an application within the specified timeframe.

Those licensees for whom we receive continuous complaints regarding their driving standards, and for which evidence can be provided, will be referred to the Licensing Sub-Committee where they may be required to retake the test to indicate they possess the standards required. Failure of the test may lead to their licence being suspended until such time that they pass the test. Any costs incurred will be met by the licensee.

Safeguarding Children and Vulnerable Passengers

The licensing authority expects all applicants and those already licensed to have a good awareness of the safeguarding issues surrounding children and vulnerable adults.

Providing a safe environment for the transportation of children and vulnerable passengers is of paramount importance, the licensing authority has therefore put in place robust measures to ensure this is adhered to at all times.

Policy – Objective 4

Safeguarding Children and Vulnerable Passengers

The licensing authority expects all new applicants to undertake recognised safeguarding training in relation to children and vulnerable passengers and that applicants for renewed licenses will undertake recognised safeguarding training (or refresher training), as part of their professional development. This is to ensure that all drivers operate to a consistent standard and are able to provide a safe and suitable level of transport service to children and vulnerable passengers. The training is also to support drivers to protect themselves, by keeping records and observing a code of conduct, as outlined in Part 12.

Training in Hackney Carriage and Private Hire Licensing

The licensing authority expects all applicants and licensees to have a good knowledge of the private hire and hackney carriage licensing industry, along with information and awareness of those aspects that have a direct or indirect effect on such matters.

All applicants and current licensees are therefore expected to undertake the Certificate in Hackney Carriage and Private Hire Licensing, as provided by Sheffield City Council Licensing Authority. The course covers a wide spectrum of information and guidance, providing applicants and licensees with the skills and attributes they will require.

Policy – Objective 5

Training in Hackney Carriage and Private Hire Licensing

All applicants and current licensees will be required to undertake the Certificate in Hackney Carriage and Private Hire Licensing. The Course will cover, as a minimum, the following modules:

- Hackney Carriage and Private Hire Licensing Law;
- Licensing Authority Laws;

- Licensing Authority Licence Conditions;
- Licensing Authority Policies;
- Safeguarding Children and the Vulnerable;
- Child Sexual Exploitation;
- Code of Good Safeguarding Conduct;
- Participation Scheme;
- The Role of a licensed driver;
- Customer Care;
- Equality, Diversity and Inclusion; and
- Disability Awareness

New applicants will be required to undertake and pass the course as part of the pre-application procedure.

Existing licensees will be required to undertake the course within six years of the policy coming into force. Those licensees that fail to undertake the course within the specified timeframe may not be issued a licence until such time that they have done so.

Any costs incurred will be met by the applicant.

Requirement for Licensee to Retake Examinations, Tests and Training

In certain circumstances it may be a requirement for a licensee to retake tests and examinations.

Policy - Objective 6

Requirement for Licensee to Retake Examinations, Tests and Training

Those applicants that make an application for a licence between a period of one month and 12 months since the expiry of the last licence will be considered a new applicant, but will not be required to undertake any further training, examinations or tests if they have already done so. However, if necessary they will be required to undergo a medical examination if appropriate for the age of the applicant.

Those applicants that make an application for a licence after a period of 12 months since the expiry of the last licence will be classed as a new applicant and will be required to undertake all tests, examinations and training appropriate for new drivers.

Part 11 – Driver Background Checks

Applicants and those already licensed are expected to act with truthfulness at all times and disclose to the licensing authority any information that is reasonably requested. In doing this the licensing authority will be provided with information that enables decisions on the fit and properness of applicants to be ascertained.

Therefore, the licensing authority will undertake such background checks as it deems necessary in order to help assess the fit and properness and suitability of new applicants and those already licensed. The checks cited in this section are mandatory for all applicants and form the basis of an application. Failure to undertake such checks will result in the licensing authority being unable to grant a licence.

A failure of one of the objectives will result in the application being referred to the Licensing Sub-Committee for determination.

Age and Experience of Applicant

Age is an important factor to take into consideration in judging the suitability of new applicants due to the nature of the role. The licensing authority must be satisfied that all applicants have appropriate experience and knowledge of driving a motorised vehicle and can cope with the demands of the job.

Policy – Objective 7

Age and Experience

It is expected that applicants when making an application will not be less than 21 years of age and will have held a DVLA driver's licence for not less than two years at the time of a licence being granted.

Disclosure and Barring Service (DBS) Checks

A criminal record check is an important tool in assessing a person's fit and properness and is therefore seen as an essential measure that all applicants and licensees must undertake.

All criminal record checks will be carried out by the Disclosure and Barring Service which carries out such checks for licences included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and those prescribed in the Police Act 1997 (Criminal Records) regulations.

Both hackney carriage and private hire drivers are included in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (Amendment) (England and Wales) Order 2013 and will therefore be expected to disclose on application any caution or conviction even if in other circumstances it could be considered as spent.

Policy – Objective 8

Disclosure and Barring (DBS) Checks

All applicants must complete an Enhanced DBS check that details live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

The licensing authority will only accept DBS certificates that have been applied for through Sheffield City Council's Licensing Service as the registered body. However, in some circumstances certificates will be accepted if they are to an enhanced level, have been processed in relation to the child and adult workforce employment position and have been printed within the last three months.

Applicants must sign up to the Disclosure and Barring Online Service in order for the licensing authority to monitor a criminal record once a licence is granted. An online check will normally be undertaken annually, but should circumstances necessitate they will be undertaken on a more frequent basis. If the check returned reveals new information then an applicant will be required to undertake an Enhanced DBS check. The licence holder will be required to give permission to the licensing authority for them to access their DBS record and will be required to pay any costs incurred.

Applicants and licensees are also required to inform the licensing authority of any new convictions picked up in the term of a licence within 14 day of conviction. The licensing authority will take into account the type of conviction in deciding what action will be taken.

Relevance of Convictions, Cautions, Reprimands and Warnings

The licensing authority, when making a decision on a person's fit and properness, will take into account all convictions, cautions, reprimands, warnings and any relevant information provided by the police and other relevant authorities'. However, particular regard will be given to:

- The class of the offence;
- The age of the offence;
- The number of offences; and
- The apparent seriousness, as determined by the licensing authority.

Having a criminal conviction is not a bar to obtaining a licence, but the licensing authority will be required to refer the application to the Licensing Sub-Committee for determination where it falls within the referral criteria or where it is deemed appropriate to do so.

The licensing authority will take the same approach in determining the suitability of existing licensees, considering the same parameters with which new applicants are judged.

The licensing authority will pay particular attention to:

- Any term of imprisonment or custody;

- Any conviction for a violent, sexual offence or dishonesty which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, driving under the influence of drink and drugs; and
- Any offence contrary to hackney carriage and private hire vehicle legislation.

The licensing authority will also take into account additional information held by local police that they consider reasonably relevant to the role of hackney carriage and private hire driver and any information or intelligence obtained from other sources, in addition to that held on the licensing record.

The police only disclose information that has a reasonable basis of credibility and that is related to the occupation as a hackney carriage and private hire driver. This could include unproven allegations or charges for which an applicant/licensee has been acquitted. This information could show that a person acted in a way that is not compatible with being a licensed driver.

Other information could include complaints which show a pattern of behaviour or intelligence from other authorities or council departments.

The licensing authority will look at all of the information and may decide that it shows a tendency to behave in ways which mean the applicant/licensee is not fit and proper. The assessment is made on the civil standard of proof, that being the balance of probabilities.

The licensing authority will take into account all information and will make determinations of fit and proper based on it. The Licensing Sub-Committee can make a decision to revoke, suspend or refuse based solely upon this other information.

The full terms of the driver's referral policy can be viewed below.

Policy Objective 9

Driver's Referral Policy - Relevance of Convictions and Cautions

The licensing authority will in certain circumstances refer applicants and/or licensees to the Licensing Sub-Committee for the determination of an application/licence.

Set out below is the criterion for referrals of a hackney carriage and private hire driver's application/licence to the Licensing Sub-Committee.

- Any term of imprisonment or custody.
- Except where in exceptional circumstances and in the view of the Chief Licensing Officer the age and nature of the offence(s) are such that a referral to the Sub-Committee is not merited.
- Any conviction for violence, or violence offences which the Chief Licensing Officer considers to be of a serious nature.
- Any conviction, for dishonesty, or dishonesty offences which the Chief Licensing

Officer considers to be of a serious nature.

- Any conviction for sexual offences.
- Any conviction for any drugs offences. Any related offences to the supply of drugs or drug related offences which the Chief Licensing Officer considers to be of a serious nature.
- Any caution or fixed penalty notice for any drugs offences or related offences to the supply of drugs.
- Any caution, warning, anti-social behaviour order (ASBO), fixed penalty (non-driving), Acceptable Behaviour Contract (ABC), Civil Injunctions and Criminal Behaviour Orders (CBO's) which the Chief Licensing Officer considers to be of a serious nature.
- Any information that has been disclosed and has a reasonable basis of credibility and that is related to the occupation as a hackney carriage and private hire driver. This could include unproven allegations or charges for which an applicant/licensee has been acquitted.

Medical Assessment

The licensing authority views a medical assessment as an important tool for assessing the fitness, wellbeing and ability of a person to drive a licensed vehicle. This is supported by a report by The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles which recommended in 1995 that taxi licence applicants should pass a medical examination before such a licence is granted.

Licensed drivers are on the road for longer hours than most normal drivers, are required to assist disabled passengers in and out of the vehicle, lift and move heavy pieces of luggage and work unsociable hours, all of which requires a person to have a good level of health and wellbeing.

Policy – Objective 10

Medical Assessment

All applicants will require Group 2 medical standards applied by DVLA in relation to bus and lorry and drivers, as the appropriate standard for taxi and private hire drivers. Group 2 medical categories include but are not limited to:

- Age limits;
- Visual Acuity;
- Respiratory and sleep disorders;
- Drug and alcohol misuse and dependency;
- Cardiovascular disorders;
- Impairment of cognitive function;
- Diabetes mellitus;
- Psychiatric disorder(s); and

- Neurological disorders including epilepsy.

Applicants will be required to attend a medical assessment with a General Practitioner that has been approved by the licensing authority. A full list of approved GP surgeries can be found at Appendix C. GP Surgeries set their own fees and all costs incurred will be met by the applicant.

In line with DVLA guidelines applicants are required to undergo a medical assessment at the initial application stage. A further medical assessment will then be conducted at 45 years of age and every five years thereon, until 65 years of age when they will be undertaken annually, unless otherwise instructed by the medical practitioner

Licence holders are, at all times, required to inform the licensing authority of any deterioration in health that may have an effect on their driving ability. Furthermore, licence holders are required to complete a Health Declaration form upon each renewal detailing any medical problems that have been diagnosed by a health professional within the term of their last licence, any admission to hospital and medical conditions or allergies that may have an impact upon their driving.

Any medical condition that that may have an adverse impact on driving ability will be recorded and the licence holder will be required to undergo a medical assessment under DVLA Group 2 standards.

Assistance Animal Exemption Certificate

The Equalities Act 2010 has made it illegal for assistance dog owners to be refused access to a hackney carriage and/or private hire vehicle with their assistance dog.

The licensing authority fully supports this stance and has therefore put in place robust measures to ensure that all licensees fulfil this requirement.

Policy – Objective 11

Assistance Animal Exemption Certificate

Licensees have a legal duty to carry guide, hearing and other prescribed assistance dogs. The licensing authority will investigate complaints of drivers refusing to pick up passengers with assistance dogs and, if no exemption certificate is held, the authority will immediately refer the case to Legal Services for prosecution.

Licensees who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption certificate on medical grounds. A medical exemption certificate will only be granted if a licensee produces evidence from a General Practitioner registered with the licensing authority (see Appendix C) stating they have an allergy or a condition brought on by exposure to dogs.

Right to Work in the United Kingdom

Applicants will require documentary evidence that they are legally entitled to work in the UK.

The licensing authority has therefore taken direction from the Home Office *An employer's guide to acceptable right to work documents* guide published in 2014. This provides guidance on what documents are acceptable and will help the authority in issuing licences to those people that are legally entitled work in the UK.

Policy – Objective 12

Right to Work in the United Kingdom

The licensing authority will require all applicants to submit documentation that proves they are entitled to work in the UK.

Any one of the following documents will be accepted as proof:

- A full UK Birth/Adoption Certificate issued in the UK;
- A passport showing the holder is a British Citizen or a citizen of the UK Colonies having the right to abode in the UK;
- A passport or national identity card showing the holder is a national of a European Economic Area, including Switzerland;
- A Registration Certificate or Document Certifying Permanent Residence, issued by the Home Office;
- A permanent Residence Card issued by the Home Office;
- A current Biometric Immigration Document issued by the Home Office;
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right to abode in the UK, or has no time limit on their stay in the UK;
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer;
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer; and
- A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

This list is not exhaustive and other documents may be accepted. Full guidance can be obtained from the Home Office at <https://www.gov.uk>.

Where an applicant is under immigration control – such as limited leave to remain – a licence will not be issued beyond the period that the applicant has permission to remain, as identified by their immigration documents. Applicants are encouraged to seek legal advice or contact the Home Office should they have any questions.

Driving and Vehicle Licensing Agency (DVLA) Checks

As with a criminal record check, a driving record check is essential in assessing a person's fit and properness and is therefore seen as a vital measure that all applicants and licensees must undertake.

All driving records checks will be carried out with the Driving and Vehicle Licensing Agency (DVLA) and will reveal information on:

- The licence validity dates;
- The categories of vehicle the driver can drive;
- If there are any current endorsements on the licence; and
- If the driver is disqualified.

It is advisable to view the driver's referral policy in conjunction with Appendix B which details a comprehensive list of all driving offences along with the appropriate penalty points.

Policy – Objective 13

Driving and Vehicle Licensing Agency (DVLA) Checks

The licensing authority requires all applicants and licensees to undertake a DVLA check in order to assess their driving record. A check will therefore be made at the time of the first application and every year thereafter.

Applicants will be required to complete a DVLA mandate that details the following:

- Driving Entitlements;
- Endorsement Details;
- Disqualifications;
- Convictions;
- Photo Images; and
- Certificate of Professional Competence (CPC) details (where appropriate).

The licensing authority will in certain circumstances refer applicants and licensees to the Licensing Sub-Committee for determination where the following driving offences have been identified:

- Drive or attempting to drive with alcohol level above the limit (DR10);
- Driving or attempting to drive while unfit through drink (DR20);
- Driving or attempting to drive then failing to supply a specimen for analysis (DR30);
- In charge of a vehicle while alcohol above limit (DR40);
- In charge of a vehicle while unfit through drink (DR50);
- Failure to provide a specimen for analysis or breath test (DR60 & DR70);
- Driving or attempting to drive when unfit through drugs (DR80);
- In charge of a vehicle when unfit through drugs (DR90);
- Driving or attempting to drive whilst disqualified (BA10 & BA30);
- Causing Death by dangerous Driving (DD80);

- Manslaughter or culpable homicide while driving a vehicle (DD60);
 - Dangerous Driving (DD40);
 - Driving without due care and attention (CD10, CD20 & CD30);
 - Causing death by careless driving (CD40, CD50, CD60 & CD70); and
 - Using a vehicle uninsured (IN10).
- Several motoring offences over a period of time particularly where the penalty points awarded could have resulted in disqualification and/or the applicant has claimed undue hardship to avoid disqualification.
 - Accumulated nine or more penalty points or committed/been convicted of three or more motoring offences in a short period of time.
 - Accumulated nine or more penalty points in 18 months or during the term of the last licence, whichever is the longest.
 - Have accumulated 12 or more penalty points or committed/been convicted of four or more motoring offences in a three year period or the last two terms of licence, whichever is lesser.
 - Any period of disqualification from driving.

In addition the licensing authority will also take into consideration the following:

- Warnings issued for failure to comply with private hire and taxi legislation which the Chief Licensing Officer considers to be of a serious nature.
- Any previous refusal/revocation of a licence by any Licensing Authority.
- Any other case which, at the discretion of the Chief Licensing Officer is regarded as appropriate for referral to the Licensing Sub-Committee.

Part 12 – Hackney Carriage and Private Hire Driver Licences

The licensing authority has developed an application procedure that aims to ensure all those that are granted a licence are of the highest possible standard.

As stated previously, licensed drivers are in a position of great responsibility, entrusted with the safety of young children and vulnerable adults and will very often be the first impression of Sheffield to visitors.

It is for these reasons that all applicants must first undertake the pre-application tests and examinations before making an application. Background checks will also perform part of the application procedure and will help to ensure that licensees are fit and proper and suitable to hold a licence.

Dual Licence

Applicants wishing to drive a licensed hackney carriage and/or private hire vehicle must first obtain a licence to do so from the authority.

Policy – Objective 14

Dual Licence

The licensing authority, upon a successful application shall issue a dual licence, allowing licensees to drive both a hackney carriage and private hire vehicle.

The licensing authority, by way of a Licensing Sub-Committee hearing, may in certain circumstances decide not to issue a dual licence, instead opting to issue a licence to drive either a hackney carriage or private hire vehicle only. Contraventions in respect of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, such as illegal plying for hire, may be reasons for preventing the issue of a dual licence.

Duration of Licence

Section 53 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Deregulation Act 2015, states that:

- (1) (a) *Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle 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.*
- (b) *Notwithstanding the provisions of the Public Health Act 1975 and the Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage 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 licensing authority shall take into account tests, examinations and background checks, such as those contained in Part 10 and 11, when dealing with each application made for a licence. All applicants/licensees should meet the fit and proper criteria, as identified in Part 9, at the initial application stage and throughout the term of a licence; rigorous checks will be implemented to check this.

Upon each application made the licensee shall produce documentation as described in part 11.

Policy – Objective 15

Duration of Licence

The licensing authority, will in normal circumstances – where the applicant has satisfied the licensing authority that they are fit and proper - issue a licence for a period not exceeding three years for both new and existing applicants.

Licensees who do not meet the fit and proper criteria may have their application referred to the Licensing Sub-Committee who will make a decision, based on the evidence put before them, of whether to issue a licence for a shorter term than normal.

The licensing authority will endeavour to inform licensees at least a month in advance of when their licence is due to expire. However, it is ultimately the licensee's responsibility to remember when their licence expires and make the appropriate application to renew.

Conditions Attached to a Licence

Section 51 (2) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary'.

The licensing authority will attach to all hackney carriage and private hire driver's licenses a set of mandatory conditions that all licensees must observe.

Following determination of an application by the Licensing Sub-Committee additional conditions may be imposed. The licensee will have the right to appeal to Magistrates Court following the hearing or can request a review of their licence at a later time to ask that the additional conditions be removed.

Policy – Objective 16

Mandatory Conditions

The licensing authority has stipulated the following conditions as mandatory on all hackney carriage and private hire driver's licenses. The licensee should make themselves aware of all conditions and adhere to them at all times.

1. The licensee shall not assign or in any way part with the benefit of the licence, which is personal to the licensee. Driver's licenses are not transferable.
2. The licensee shall not while driving or in charge of a private hire vehicle:
 - Tout or solicit on a road or other Public Place any person to hire or be carried for hire in any private hire vehicle;
 - Cause or procure (get) any other person to tout or solicit on a road or a public place any person to hire or to carried for hire in any private hire vehicle;
 - Offer a private hire vehicle for immediate hire while he/she or the vehicle is on a road or public place provided that merely parking the vehicle on a road or other public place shall not itself be deemed a breach of this condition; and
 - Accept an offer for the immediate hire of a private hire vehicle while the licensee or the vehicle is on a road or other public place, other than is transmitted to them by a licensed private hire operator.
3. The licensee shall not cause or allow to be conveyed in a private hire or hackney carriage vehicle a greater number of persons not including the driver than the number of persons specified in the licence issued in respect of the vehicle.
4. The driver of the vehicle shall display in the vehicle (in clear view of the passengers) their identification as issued by the City Council and in addition to the drivers identification badge which the driver must wear at all times when in a licensed vehicle.
5. The driver must report to the licensing authority any Caution, Warning, ASBO, Acceptable Behaviour Contract (ABC), Civil Injunctions, Criminal Behaviour Order, Conviction and any driving offences within 14 days of the date of issue (fixed penalties) or conviction.
6. The licensee is required to comply with the statutory requirements and attention is drawn in particular to part II of the Local Government (Miscellaneous Provisions) Act 1976.
7. The licensee must comply with the Code of Good Safeguarding Conduct:
 - Reporting concerns about children or vulnerable passengers who may be at risk, or about persons who may pose a risk;
 - Communicating with passengers in a way that is appropriate to their age/needs; and
 - Maintaining appropriate boundaries with customers so as to remain professional at all times.

Safeguarding Children and Vulnerable Passengers

The licensing authority expects all licensees, throughout the time they are licensed, to maintain due diligence, this involves taking reasonable steps in order to avoid committing an offence.

It is therefore vitally important that young children, the elderly and vulnerable people are safely transported and safeguarded when using public transport, especially within private hire and hackney vehicles which provide a more personable service.

A vulnerable person may be classed as a child, an elderly person or somebody with learning difficulties. In addition:

'a vulnerable adult may be considered vulnerable if they are over 18 years of age, in receipt of or in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation'.

In addition, a vulnerable person may be considered so if their actions are altered than may otherwise be the case, such as under the influence of drink or drugs.

Policy – Objective 17

Safeguarding Children and Vulnerable Passengers

It is an expectation that all licensees report concerns about children and vulnerable passengers and that they report and record all incidents involving children or vulnerable passengers. This information should be passed onto the licensing authority as soon as is practicable. Information will be fed into a centralised reporting and recording system in order to ensure appropriate steps are taken.

All licensees are expected to comply with the Code of Good Safeguarding Conduct. This includes:

- Reporting concerns about children or vulnerable passengers who may be at risk, or about persons who may pose a risk;
- Communicating with passengers in a way that is appropriate to their age/needs;
- Maintaining appropriate boundaries with customers so as to remain professional at all times. Drivers should not:
 - Communicate with, or touch, a child or vulnerable passenger inappropriately;
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language);
 - Behave in a way that may make a vulnerable passenger feel intimidated or threatened;

- Attempt to misuse personal details obtained via the business about a child/vulnerable person (for example communicating with a child at their postal address, or by social media/internet or mobile telephone or by using or sharing any other information disclosed as part of placing a booking, or obtained by any other aspect of the business).

The Code of Good Safeguarding Conduct is available to download at www.safeguardingsheffieldchildren.org.uk

In addition, if the licensing authority receives information or intelligence from the safeguarding service or police linking a licensee to child sexual exploitation (CSE) then their licence will be immediately suspended pending completion of the investigation. If the licensee is then found to have been involved in CSE activity and there is evidence of this then, even in the absence of a conviction or caution, the licensee can expect to have their licence immediately revoked.

Byelaws

The licensing authority has established a set of byelaws in relation to hackney carriage drivers and proprietors; these can be found at Appendix D. The byelaws are subject to review at any time – the licensing authority will inform drivers of proposed changes and any changes that are implemented.

All hackney carriage licensed drivers shall adhere to rules and regulations as set down in the byelaws, failure to so may result in prosecution and/or revocation of the licence.

Part 13 – Compliance and Enforcement

The primary aim of the licensing authority is public safety, and to provide a service that businesses and individuals can depend on for reasons of health, safety, welfare, equality and consistency.

Therefore, the undertaking of compliance and enforcement checks on licensed drivers is essential in order to achieve this. Ultimately these checks are undertaken in order to ensure licensees continue to be fit and proper (as referred to in part 9), are complying with the law and the conditions of their licence and to ensure the safety of passengers, pedestrians and other road users.

In order to achieve this objective the licensing authority ensures that licensed drivers are complying with statutory requirements, licensing conditions and byelaws by undertaking regular enforcement and compliance checks, whether it be independently or with partners such as South Yorkshire Police and the Driver and Vehicle and Standards Agency (DVSA).

A broad range of tools and powers are available to the licensing authority should breaches of compliance be found. The following options, which will be discussed in more detail throughout this section include, but are not limited to:

- No Action;
- Informal Warning;
- Formal Warning;
- Review;
- Suspension
- Revocation;
- Simple Caution; and
- Prosecution

Where appropriate and where there are causes for concern the licensing authority will pass on information to partner organisations such as the police, Sheffield City Council Transport Services and the Sheffield Safeguarding Children Board.

Equally, the licensing authority will act on information received from those and other partner organisations and deal with complaints in line with the Licensing Authority's Complaints Procedure. A copy of the complaints procedure can be obtained by contacting the licensing authority.

Better Regulation Delivery Office: Regulators' Code, 2014

In undertaking enforcement duties the licensing authority will pay particular attention to the Regulators Code. This sets out the standards that the licensing authority should follow when undertaking compliance and enforcement checks. Therefore the licensing authority will:

- carry out their activities in a way that supports those they regulate to comply and grow;
- provide simple and straightforward ways to engage with those they regulate and hear their views;
- base their regulatory framework activities on risk;

- share information about compliance and risk;
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- ensure that their approach to their regulatory activities is transparent.

Better Regulation Unit: Enforcement Concordat

Attention will also be paid to the principals of good enforcement as contained in the Enforcement Concordat and the licensing authority will ensure that when carrying out enforcement we are:

- **Open:** The licensing authority will provide information in plain language and will be transparent in the activities it undertakes. It will also be clear with customers on how the service operates.
- **Helpful:** The licensing authority will work with licensees to advise and assist with compliance. A courteous and efficient service will be provided by all staff and licensees will have a single point of contact and telephone number for further dealings. Applications will be dealt with promptly and where possible enforcement services will operate effectively to minimise overlaps and time delays.
- **Proportionate:** The licensing authority will minimise the costs of compliance for licensees by ensuring any action taken is proportionate to the risks involved; an account of the circumstances and attitude of licensee will be considered at all times.
- **Consistent:** The licensing authority will carry out all duties in a fair, equitable and consistent manner. Licensing officers will exercise judgment in all cases and arrangements will be put in place to promote consistency.

The licensing authority will also provide a well-publicised, effective and timely complaints procedure that is easily accessible to licensees and members of the public alike.

Any advice given by licensing officers on behalf of the licensing authority will be put clearly and simply at all times and confirmed in writing.

The licensing authority will also ensure that before formal action is taken as a result of enforcement or compliance checks, an opportunity to discuss the circumstances will be provided in order to resolve the points of difference. However, in circumstances where immediate action is necessary, such as health and safety or preventing evidence being destroyed, the licensing authority will be required to take a more formal approach. An explanation as to why such action was required will be given at the time and confirmed in writing in most cases within five days and, in all cases, within 10 working days.

Enforcement and Non-Compliance Options

In line with the Regulators' Code and Enforcement Concordat the licensing authority will choose the most appropriate form of enforcement under the circumstances. The licensing authority has at its disposal a range of enforcement and non-compliance options.

Where there have been several instances of non-compliance and at the discretion of the licensing authority, licensees may be referred to the Licensing Sub-Committee without further warning where a decision will be made as to the future of their licence.

Stage 1 - No Action

A decision of no action may be taken where formal enforcement is deemed inappropriate under the circumstances. In such cases the offender, and where necessary the complainant, will be informed of the reasons for the decision.

The licensing authority will look at all the evidence before making a determination on how to proceed following enforcement and compliance checks. It may be that evidence comes to light after the checks, indicating no action is required.

Stage 2 - Informal Warning/Words of Advice

Where there is a minor contravention and where the degree of risk from a given situation is minor, an informal warning may be deemed the most appropriate form of action.

An informal warning may come in the form of a verbal notice and recorded as such on their record. A culmination of verbal notices may result in a more serious form of action; this will be reviewed on a case by case basis.

This type of warning may be used where there is little or no impact on licensees, service users and members of the public and where all other forms of enforcement action are viewed as inappropriate and/or disproportionate.

Stage 3 - Formal Warning

A formal warning is a tool that is available for more serious breaches of licence conditions. Each event is viewed on a case by case basis and enforcement officers will use their judgment as to whether to exercise the formal warning procedure.

A formal warning will be held on the licensees' record for a set period of time, not exceeding three years. Should the licensee be referred to the Licensing Sub-Committee while the warning is live, the Licensing Sub-Committee will be made aware of it.

Suspension of Licence

Where a driver has been convicted of an offence involving dishonesty, indecency or violence or where there are circumstances in which there has been a serious breach of licence, non-compliance or any other reasonable cause it may be deemed appropriate to issue a suspension notice.

The power to suspend a licence is contained in the Local Government (Miscellaneous Provisions) Act 1976, Section 61 as amended by the Road Traffic Act, Section 52. Further information on these suspensions can be obtained from the Acts themselves.

In certain instances it may be necessary, in the interests of public safety, for a suspension notice to have immediate effect. Under delegated powers from the Licensing Committee the Chief Licensing Officer is permitted to suspend a hackney carriage and private hire driver's licence immediately, where there is considered to be an immediate and on-going risk to public safety and it is deemed appropriate to do so.

Where the Licensing Sub-Committee, as part of a review, is satisfied that a person is no longer a fit and proper person or is in breach of their licence they may suspend the licence for any specified period as they see fit.

Upon the suspension of a licence the licence holder may appeal the decision to the Magistrates Court; there is no other recourse available.

Revocation

In circumstances of more serious breaches of conditions or where there have been repeated contraventions or convictions, a revocation of the licence may be deemed necessary.

The power to revoke a licence is retained by the Licensing Committee and will be implemented where there is considered to be an immediate and on-going risk to public safety.

If a decision is reached whereby the licence is revoked they will have the opportunity to appeal the decision to Magistrates Court.

Refusal to Renew

Reasons to refuse an application to renew a licence may be due to information received at renewal stage, such as background checks as referred to in part 11, or where the applicant has failed to comply with the requirements of a renewal application.

In making a decision on whether to refuse to renew a licence the Licensing Sub-Committee will take into account the fit and proper test and any supporting documents that are supplied by the applicant and the licensing authority.

If a decision is reached whereby the licensee is refused they will have the opportunity to appeal the decision to Magistrates Court.

Caution

Where a serious breach of conditions or non-compliance has been evidenced, but where a prosecution would not be in the public interest, a formal caution may be issued.

Guidance as issued by the Health and Safety Executive provides practical advice and sets out certain preconditions that must be adhered to in order for a formal caution to be used:

- The offender making a clear and reliable admission of the offence before a simple caution can be offered;
- A realistic prospect of conviction if the offender were to be prosecuted in line with the Code for Crown Prosecutors;
- The offender agreeing to receive a simple caution; and
- A full explanation of the ramifications of accepting a caution.

In addition a formal caution may be issued where the offender has no previous history in relation to the offence and has done everything in their power to make amends. If a

formal caution was offered and refused by the offender the matter would then proceed to court. In any event, a decision to offer a caution will rest solely with the licensing authority.

A formal caution issued by the licensing authority will not be passed on to third party organisations automatically. However, if internal services or neighbouring authorities seek information on licensees information will be discharged, subject to appropriate Data Protection Act provisions.

Prosecution

A prosecution will be implemented in cases where there has been a flagrant breach of licence conditions and where other options have been considered and deemed unsuitable, or where serious issues of public safety have arisen.

In order for a prosecution to be initiated there must be enough evidence to provide a realistic prospect of a conviction and it is the public interest to do so. In determining whether a prosecution should be initiated the Code for Crown Prosecutors should be considered:

- Is there enough evidence against the defendant; and
- Is it in the public interest to bring the case to court.

Illegal Plying for Hire

Illegally plying for hire (when a person driving a vehicle other than a licensed hackney carriage takes a fare that is not pre-booked) is a serious offence. Not only is it illegal but it puts the general public at great risk and has wider implications on those drivers and services that are operating legitimately, specifically in terms of lost revenue.

Due to the nature of the offence, the licensing authority has put in place robust measures to tackle the issue of illegally plying for hire, in turn doing its utmost to protect members of the public and provide a public service that the City can be proud of.

Objective 18

Illegal Plying for Hire

The licensing authority will, where it sees fit and where there are known hotspots and/or areas of concern (as identified by information gathering by enforcement officers and complaints received by the general public and other licensed drivers), use licensing officers as covert passengers, therefore enabling the gathering of evidence and a greater prospect of taking legal action.

In taking such action, the licensing authority will:

- 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;
- refer any current licensed drivers to the Licensing Sub-Committee at the point that there is sufficient evidence for the licensing authority to submit a file for legal proceedings to be brought against that driver;

- unless there are exceptional circumstances offenders should expect to have any licenses they hold immediately revoked and/or any application for a licence refused;
- the use of officers as passengers as a method of enforcement, and for the Chief Licensing Officer and Head of Licensing to carry on conducting enforcement activity against illegal activity;
- the Chief Licensing Officer and Head of Licensing to organise enforcement operations in response to intelligence and/or information received that brings to attention a problem/issue with plying for hire in any area of the City.

Part 14 – Complaints

The licensing authority has established a complaints procedure in order to ensure that all complaints received on behalf of the general public, other authorities and licensees are able to be dealt with effectively and efficiently.

The licensing authority has put in place several methods for allowing complaints to be submitted, including a report form via the Sheffield City Council webpage, via email directly to the licensing service, face-to-face and over the telephone.

All complaints will be dealt with in-line with timeframes as set out by Sheffield City Council. A full copy of the complaints procedure can be viewed by visiting www.sheffield.gov.uk/your-city-council/how-to-contact-us/complaint.

In dealing with a complaint the licensing authority will take into account all the evidence submitted by the complainant, including any supporting documents, and then take an unbiased approach in deciding the most appropriate form of action, as outlined in section 13.

Guidance Information on Submitting a Complaint

It is important that, when submitting a complaint, as much information as possible is included along with any supporting documentation that can be used in order to substantiate such a complaint.

The licensing authority has produced a template form that can be used for most complaints. The form has been designed in such a way as to help those making a complaint include all salient points in order that officers can investigate appropriately. Complainants can contact the licensing authority if they wish to receive a copy of the template in order to submit a complaint; however, complaints will still be received and dealt with if the template is not used.

Conduct and Professionalism

It is expected that licensees, will at all times, act with integrity and professionalism. Complaints in regard to conduct and professionalism will be dealt with on a case by case and appropriate action taken where necessary.

Driver Conduct Complaints

Policy Objective – 19

Those licensees for which evidence based complaints are received in relation to conduct and professionalism will, depending on the seriousness of the matter as determined by the officer, be dealt with in line with the procedures outlined in Part 13.

Those licensees, for which repetitive complaints are received or are deemed as serious in nature by the licensing authority, will be referred to the Licensing Sub-Committee. The Sub-Committee will take any action as it deems appropriate on a case by case basis and in-line with the procedures outlined in Part 13.

Appendix A

Useful Contacts

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264
	Email	licensing@sheffield.gov.uk
	Website	www.sheffield.gov.uk/licensing

Sheffield Taxi Trade Association (STTA)		
Unit 3, 150 Worksop Road Attercliffe Sheffield S9 3TN	Telephone	07966204473
	Email	info@stta-taxi.co.uk
	Website	www.stta-taxi.co.uk

Department for Transport (DFT)		
Great Minster House 33 Horseferry Road London SW1P 4DR	Telephone	0300 330 3000
	Email	
	Website	https://www.gov.uk/government/organisations/department-for-transport

Driver and Vehicle Standards Agency (DVSA)		
Leeds GVTS Patrick Green Woodlesford Leeds LS26 8HE	Telephone	0113 282 1156
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency

Driver and Vehicle Licensing Agency (DVLA)		
Agency (DVLA), Longview Road, Morrison, Swansea SA6 7JL	Telephone	0300 7906802
	Email	
	Website	https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency

Sheffield Safeguarding Children's Board		
Floor 3 South Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4934
	Email	child.protection@sheffield.gov.uk
	Website	https://www.safeguardingsheffieldchildren.org.uk

Disclosure and Barring Service (DBS)		
DBS customer services PO Box 3961 Wootton Bassett SN4 4HF	Telephone	03000 200 190
	Email	customerservices@dbs.gsi.gov.uk
	Website	https://www.gov.uk/government/organisations/disclosure-and-barring-service

Ofqual		
Spring Place Herald Avenue Coventry CV5 6UB	Telephone	0300 303 3344
	Email	public.enquiries@ofqual.gov.uk
	Website	https://www.gov.uk/government/organisations/ofqual

Sheffield City Council Transport Department		
Block C Staniforth Road Depot Sheffield City Council S9 3HD	Telephone	0114 2037575
	Email	transport@sheffield.gov.uk
	Website	https://www.sheffield.gov.uk

GMB Yorkshire and North Derbyshire		
GMB Thorne House 188/190 Norfolk Street Sheffield S1 1SY	Telephone	0845 337 7777
	Email	sheffield.office@gmb.org.uk
	Website	http://www.gmb.yorkshire.org.uk/

Appendix B

Motoring Offences and Associated Penalty Points

The following table indicates the most common driving offences and the associated penalty points for such an offence. The table should be used as a guide; it must be noted that a Court can impose stricter penalties should it see fit to do so.

The information has been taken from the GOV.UK website and is true and accurate at the point of publication. For the most up-to-date information it is advisable to check <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>.

Code	Offence	Penalty Points
Accident Offences		
These codes must stay on a driving licence for 4 years from the date of the offence.		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
Codes BA10 and BA30 must stay on a driving licence for 4 years from the date of the offence.		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
Codes BA40 and BA60 must stay on a driving licence for 4 years from the date of the conviction.		
BA40	Causing death by driving while disqualified	3-11
BA60	Causing serious injury while driving while disqualified	3-11
Careless Driving		
Codes CD10 to CD30 must stay on a driving licence for 4 years from the date of the offence.		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
Codes CD40 to CD70 must stay on a driving licence for 11 years from the date of the conviction.		
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
Codes CD80 and CD90 must stay on a driving licence for 4 years from the date of the conviction.		
CD80	Causing death by careless, or inconsiderate driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers.	3-11
Construction and Use of Offences		
These codes must stay on a driving licence for 4 years from the date of the offence.		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of	3

	use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.	3
Reckless/Dangerous Driving		
These codes must stay on a driving licence for 4 years from the date of the conviction.		
DD10	Causing serious injury by dangerous driving	3-11
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD80	Causing death by dangerous driving	3-11
DD90	Furious Driving	3-9
Drink		
Codes DR10 to DR61 must stay on a driving licence for 11 years from the date of the conviction.		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3-11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
Codes DR40 to DR70 must stay on a driving licence for 4 years from the date of the offence.		
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
Drugs		
These codes must stay on a driving licence for 11 years from the date of the conviction.		
DG10	Driving or attempting to drive with drug level above the specified limit	3-11
DG60	Causing death by careless driving with drug level above the limit	3-11
DR80	Driving or attempting to drive when unfit through drugs	3-11
These codes must stay on a driving licence for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.		
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10
Insurance Offences		
Code IN10 must stay on a driving licence for 4 years from the date of the offence.		
IN10	Using a vehicle uninsured against third party	6-8

	risks	
Licence Offences		
These codes must stay on a driving licence for 4 years from the date of the offence.		
LC20	Driving otherwise than in accordance with a licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical grounds	3-6
Miscellaneous Offences		
These codes must stay on a driving licence for 4 years from the date of the offence.		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6
Motorway Offences		
Code MW10 must stay on a driving licence for 4 years from the date of the offence.		
MW10	Contravention of special roads regulations (excluding speed limits)	3
Pedestrian Crossings		
These codes must stay on a driving licence for 4 years from the date of the offence.		
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3
Speed Limits		
These codes must stay on a driving licence for 4 years from the date of the offence.		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
Traffic Direction and Signs		
These codes must stay on a driving licence for 4 years from the date of the offence.		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		

Code TT99 must stay on a driving licence for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised Taking

Code UT50 must stay on a driving licence for 4 years from the date of the offence.

UT50	Aggravated taking of a vehicle	3-11
------	--------------------------------	------

'Mutual Recognition' Codes

You'll get an 'MR' code on your licence if you're disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. Your disqualification period will also be valid in GB and will stay on your licence for 4 years from the date of conviction.

MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)	
MR19	Willful failure to carry out the obligation placed on a driver after being involved in a road accident (hit or run)	
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver	
MR39	Driving a vehicle faster than the permitted speed	
MR49	Driving a vehicle whilst disqualified	
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence	

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your licence if you have helped someone to do this.

Causing or Permitting Offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting Offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

Appendix C

Approved General Practitioner Surgeries

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 within 1 week
Barnsley Road Surgery 899 Barnsley Road Sheffield S5 0QJ	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 and Weekends	
Sloan Medical Practice Little London Road Sheffield S8 0TW	0845 127 2001	£80	Flexible times to suit drivers – can offer daytime	
Sheffield City GP Health Centre Rockingham House 75 Broad Lane Sheffield S1 3PD	0114 2412700 www.walkinwhenyouneedus.com	£80	8am – 8pm 7 days a week	If registere d at practice the price is £65. Credit/ Debit cards accepted
Selbourne Road Medical Centre 1 Selbourne Road Crosspool Sheffield S10 5ND	07712 090693 Dr Anil Gill	£40	Monday to Friday all day	

Sharrow Lane Medical Centre 129 Sharrow Lane Sheffield S11 8AN	Dr Madhu 0114 2493458	£30	Quick Appointments Flexible times	
Porter Brook Medical Centre 9 Sunderland Street Sheffield S11 8HN	Mrs Jenny Macpherson 08451 245567	£89.5 0	Monday to Friday (middle of the day)	Extra costs for GP or specialist reports if needed. Do not accept debit or credit cards
Duke Medical Centre 28 Talbot Road Sheffield S2 2TD	Lynsey Hardy 0114 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	Nicola or Claire 0114 2697505 / 2293171	£50 - £60	Monday to Friday	
Meersbrook Medical Centre 234-235 Chesterfield Road Sheffield S8 0RT	0345 122 2231 Sheccg.pitsmoorsurgery@nhs.net	£75		Only accept bookings from registere d patients
Carfield Medical Centre Carfield Street Sheffield S8 9SG Brinsworth Medical Centre 171 Bawtry Road Rotherham S60 5ND	Dr Singh 07976 810786	£30		

Appendix D

Sheffield City Council Hackney Carriage Byelaws

Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Sheffield City Council with respect to hackney carriages in the City of Sheffield.

Interpretation

1. Throughout these byelaws the “Council” means the Sheffield City Council; “the district” means the whole of the City of Sheffield; and “authorised officer” means any officer or person authorised by the Council to inspect or supervise hackney carriages and the drivers thereof.

Hackney carriage to display number of licence

- 2.(a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be displayed on the outside and inside of the carriage by means of the plates supplied by the Council.
- (b) A proprietor or driver of a hackney carriage shall not:
 - (i) Wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire;
 - (ii) Cause or permit the carriage to stand or ply for hire with any such numbered plate so defaced that any figure or material particular is illegible.

Notices Etc. prohibited on hackney carriage

3. A proprietor or driver of a hackney carriage shall not place or suffer to be placed any printed, written, painted or other matter by way of advertisement or notice on any part of the carriage except with the consent of the Council.

Punctual attendance when previously hired

4. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

Conduct of drivers

5. The driver of a hackney carriage shall at all times when the carriage is standing or plying for hire be clean and respectable in his dress and person, shall behave in a civil and orderly manner and shall conduct himself with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in the carriage, shall comply with every reasonable requirement of any person hiring the carriage, and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

Driver not to smoke whilst carriage is occupied by passengers

6. A driver of a hackney carriage shall not save with the express consent of the hirer, smoke at any time whilst the carriage is occupied by a passenger or passengers.

Driver not to permit any person or animal to ride outside hackney carriage

7. A driver of a hackney carriage shall not in any circumstances whilst driving or plying for hire permit or suffer any person or animal to ride upon any part of the outside of the carriage or beside or with the driver on the front of the carriage.

Canvassing prohibited

8. A proprietor or driver of a hackney carriage when standing or plying for hire shall not, by calling out, or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

Provision and wearing of badges

9. A driver shall at all times when acting in accordance with the drivers' licence granted to him wear such badge, provided by the Council, in such position and manner as to be plainly and distinctly visible.

Carriage of personal luggage and animals

- 10.(a) The driver of hackney carriage so constructed or adapted for the conveyance of luggage shall, when requested by any person hiring the carriage, convey personal luggage in it or on it not exceeding in the aggregate 50kgs in weight, and shall not afford all reasonable assistance in loading and unloading any such luggage conveyed in or on the carriage and belonging to or in charge of any person hiring or being conveyed in the carriage;
- (b) Every such driver shall, when requested by the person hiring the carriage, afford all reasonable assistance in moving any such luggage to or from any gate, door or entrance at any house, station or place at which he may take up or set down any such person;
- (c) Nothing in this byelaw shall compel any driver to permit the carrying in or on the carriage of any article or animal which is of such bulk or amount or character that the carrying of it, or its placing in or on its removal from the carriage, would be likely to cause damage to the carriage or its fittings;
- (d) Personal luggage, where reasonably practicable, shall be conveyed within the vehicle rather than on the exterior of the vehicle;
- (e) In this byelaw the expression "personal luggage" includes a perambulator and a child's push-chair.

Number of persons to be carried in hackney carriage

11. The proprietor or driver of a hackney carriage shall not convey or permit to be conveyed therein a greater number of persons exclusive of the driver than the number of persons specified in the licence granted in respect of such hackney carriage.

Occupation of stands

12. Every driver of a hackney carriage shall, when plying for hire in any street and actually hired;
 - (a) Ensure that his hackney carriage does not cause any inconvenience or hazard to any other vehicle or pedestrian;
 - (b) When instructed to do so by a Police Officer or an authorised officer proceed with reasonable speed to one of the stands appointed by the Council;
 - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction;
 - (d) From time to time when the carriage in front is driven off or moved forward to cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - (e) When the first carriage on the stand remain with the carriage and be ready to be hired at once by any person.

Fares and charges for hackney carriages

13. The proprietor or driver of a hackney carriage shall be entitled to take for the hire of the carriage the rate or fare prescribed by the Council from time to time the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage shall be hired by distance the proprietor or driver thereof shall not be entitled to take for the hire of the carriage a fare greater than that recorded on the face of the taximeter except where;

- (a) Specifically authorised to do so by the Council; and
- (b) Where the extra fare is notified to passengers by a notice supplied by the Council and affixed to the inside of the vehicle so as to be clearly visible to all passengers.

Drivers of hackney carriage not to demand more than authorised fare

14. The proprietor or driver of a hackney carriage shall not demand nor represent himself as entitled to take for a journey a greater sum than the amount authorised to be taken in accordance with byelaw 13.

Statement of fares to be exhibited in hackney carriage

- 15.(a) The proprietor of a hackney carriage shall:
- (i) Cause the table of fares supplied by the Council to be fixed on the inside of the carriage in such a position as to be easily read by a passenger;
 - (ii) Cause such table to be renewed as necessary;
 - (iii) Display any statement or notice that the Council consider necessary on the inside of the vehicle.
- (b) The proprietor or driver of a hackney carriage shall not wilfully or negligently cause or suffer the letters or figures in the table of fares or any other statement or notice that the Council require to be displayed to be concealed or rendered illegible at any time when the carriage is plying for hire or being used for hire.

Furnishing of hackney carriage

- 16.(a) The proprietor of a hackney carriage shall:
- (i) Provide sufficient means by which any person in the carriage may communicate with the driver;
 - (ii) Cause the roof covering to be kept watertight;
 - (iii) Provide necessary windows with means of opening and closing not less than one window on each side;
 - (iv) Cause the seats to be properly cushioned or covered;
 - (v) Cause the floor to be provided with proper carpet, mat or other suitable covering;
 - (vi) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (vii) Cause means to be provided for securing luggage;
 - (viii) Cause an efficient fire extinguisher of a make and type approved by the Council to be carried on the carriage in such a position as to be readily available for use and maintained in good working order at all times;
 - (ix) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- (b) A proprietor of a hackney carriage shall not install, without the consent of the Council in writing, any fitting (including a wireless transmitting or receiving set).

Search for and disposal of property accidentally left in hackney carriage

17. Every proprietor or driver of a hackney carriage shall:
- (a) Immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein;
 - (b) If any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him;
 - (i) Carry it as soon as possible and in any event within twenty four hours, if not sooner claimed by or on behalf of its owner, to the South Yorkshire Police Lost Property Office, Sheffield, and leave it in custody of the officer in charge on his giving receipt for it;
 - (ii) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to 10p in the pound of its estimated value (or fare for the distance from the place of finding to the Lost Property Office aforesaid whichever be the greater) such amount not to exceed ten pounds.

Taximeters

18. The Proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained in a manner approved by an authorised officer of the Council and so as to comply with the following requirements, that is to say:
- (a) The taximeter should be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into operation and cause the word "HIRED" to appear on the face of the taximeter.
 - (b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
 - (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance or by time in pursuance of the table of fares fixed by the Council.
 - (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - (e) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
 - (f) The taximeter and all fittings thereof shall be fixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them

except by breaking, damaging or permanently displacing the seals or other appliances.

Starting or stopping of taximeters

19. The driver of a hackney carriage provided with a taximeter shall:
 - (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
 - (b) As soon as the carriage is hired by distance or time and before the beginning of the journey, bring the machinery of the taximeter into action by operating the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
 - (c) Cause the display of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness, these being the time between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.
 - (d) Immediately on completion of the hiring cause the taximeter to cease recording but so that the amount of the fare recorded shall remain displayed on the face of the taximeter to permit the hirer to have a reasonable opportunity of examining the same.

Hackney carriage to bear sign "For Hire" or "Taxi"

20. The proprietor of a hackney carriage shall cause the carriage to be fitted with a sign which bears the words "FOR HIRE" or "TAXI" in letters at least two inches in height and is fitted with the means whereby these words may be electrically illuminated; such sign shall be fitted in the centre at the front of the canopy of the carriage in such manner that the aforesaid words are clearly and distinctly visible and legible at all times when the sign, is illuminated.

Illumination of sign "FOR HIRE" or "TAXI"

21. The driver of a hackney carriage shall cause any sign bearing the words "FOR HIRE" or "TAXI" which is affixed on the carriage in accordance with the requirements of Byelaw No.20 to be electrically illuminated so as to be clearly visible both day and night at all times when the carriage is standing or plying for hire within the City, but not hired.
22. A proprietor of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof of the seals affixed thereto.

Provided that if a taximeter affixed to a hackney carriage is found to be defective or inaccurate, the proprietor of the carriage, or a person authorised by him, may break the seals of the taximeter for the purpose of effecting the necessary repairs. In such case the proprietor shall, within twenty-four hours give or cause to be given notice of the action to which he has taken in writing to an authorised officer

of the Council, specifying the number of the licence of the carriage and the maker's name and number of the taximeter.

Provided also that nothing in this byelaw shall be deemed to authorise a hackney carriage to be used or continued in use as such after the seals on any taximeter with which the hackney carriage is provided have been broken as aforesaid and before the taximeter has again been certified to register correctly by an authorised officer of the Council.

Interior lighting of hackney carriage

23. The proprietor of a hackney carriage shall furnish the carriage with an efficient lamp so constructed and so affixed as to afford sufficient lighting for the interior of the carriage, and the driver of the carriage shall at all times, while standing plying or driving for hire, cause the lamp to be kept properly adjusted and ready for lighting, and shall, at the request of the hirer, cause it to be properly lighted during the hiring.

Driver to produce copy of byelaws

24. The driver of a hackney carriage who is standing, plying or driving for hire shall at any time when required by an authorised officer, or any police constable or any hirer produce a copy of these byelaws, clean and in good order for perusal and inspection by that authorised officer, constable or hirer.

Penalty

25. Every person who offends against any of the foregoing byelaws shall be liable on summary conviction for every such offence to a fine not exceeding £100, and, in the case of a continuing offence, to a further fine not exceeding £5.00 for each day during which the offence continues after conviction therefore.

Repeal

26. The byelaw with respect to hackney carriages made by the Council on the 16th day of February, 1978 and confirmed by one of Her Majesty's Principal Secretaries of State on the 1st day of April, 1978.

Provided that the repeal of the said byelaws shall not interfere with the prosecution of any offence committed before the said repeal against, or the recovery of a fine incurred under, the said byelaws.

This page is intentionally left blank