

# **Licensing Committee**

**Thursday 26 July 2018 at 2.00 pm**

**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 (Chair), Josie Paszek (Chair), Andy Bainbridge,  
Lisa Banes, Jack Clarkson, Dawn Dale, Neale Gibson, Adam Hurst,  
Douglas Johnson, Mike Levery, George Lindars-Hammond, Joe Otten,  
Vickie Priestley, Mick Rooney and Cliff Woodcraft**

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## **PUBLIC ACCESS TO THE MEETING**

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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](http://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 John Turner on 0114 273 4122 or email [john.turner@sheffield.gov.uk](mailto:john.turner@sheffield.gov.uk)

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## **FACILITIES**

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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.

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**LICENSING COMMITTEE AGENDA  
26 JULY 2018**

**Order of Business**

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- 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 6<sup>th</sup> July, 2017 and 10<sup>th</sup>, 24<sup>th</sup> and 26<sup>th</sup> April, 1<sup>st</sup>, 8<sup>th</sup>, 10<sup>th</sup> (Committee and Sub-Committee), 15<sup>th</sup>, 16<sup>th</sup> and 22<sup>nd</sup> May and 5<sup>th</sup> and 12<sup>th</sup> June, 2018
- 6. Private Hire Vehicle Policy**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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 Audit and 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](mailto:gillian.duckworth@sheffield.gov.uk).

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Licensing Sub-Committee

Meeting held 6 July 2017

**PRESENT:** Councillors David Barker (Chair), Kieran Harpham, Adam Hurst and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. LICENSING ACT 2003 - SUMMARY REVIEW OF PREMISES LICENCE:  
SERIOUS CRIME SHEFFIELD STUDENTS UNION (THE FOUNDRY)  
WESTERN BANK SHEFFIELD S10 2TG**

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 53A of the Licensing Act 2003, for a summary review of the Premises Licence in respect of the premises known as Sheffield Students Union, The Foundry, Western Bank, Sheffield S10 2TG (Ref No.79/17).

4.2 Present at the meeting were Charlotte Gibson (Solicitor, DLA Piper for Sheffield Students Union (SSU)), Richard Atkinson (Security Manager, SSU), Leo Charalambides (Counsel, SSU), Alex O'Brien (Head of Entertainments, SSU), Chris Aucott (Director of Social Enterprise and DPS, SSU), Julie Hague (Licensing Manager, Sheffield Safeguarding Children Board), John O'Mally (Licensing Manager, South Yorkshire Police), Jo Carty (Weightmans LLP, representing South Yorkshire Police), Acting Chief Inspector Shakeel Ahmed (South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Services) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police and Sheffield Safeguarding Children Board and were attached at Appendix "D" to the report.

4.5 Jo Carty stated that on 4<sup>th</sup> June, 2017 there had been an incident at the Sheffield

Students Union “the Foundry” which had resulted in two females being taken to hospital following drugs misuse. It became known that the girls had bought drugs at their home address and then gone to the Foundry. One of the girls consumed half of the quantity of drugs outside the venue and had hidden the other half about her body and had consumed it inside the toilets. She had become unwell and was taken to hospital, but had sadly passed away. Jo Carty then referred to the statement of PC Briggs which related to the “drugs box”, such box was found to be considerably full, although it had not been emptied since November, 2016. She felt that there was increasing concern that drug use was becoming an issue at the premises.

- 4.6 In response to questions from Members of the Sub-Committee, it was explained that the drugs box was used following searches made by doorstaff, where any drugs found are confiscated and put into the box, or where drug users see the searches being made and discard drugs onto the floor which are retrieved by staff and then put into the box. The Police were concerned that the premises were becoming a magnet for drug users.
- 4.7 Julie Hague referred to the risk assessments that had been carried out at the premises over the years and stated that zero tolerance was in force and the approach to it was exemplary, but due to the serious incident that had taken place, she considered the premises to be high risk and felt that The Foundry was not currently operating as a family friendly venue, which was open to 14 year olds. She had met with the DPS to discuss her concerns and commented that there was history of working co-operatively with the Safeguarding Board and the DPS was able to produce evidence of the required due diligence materials for safeguarding, including policies for all areas of the University to which people under the age of 18 have access. The DPS had produced training records, the refusals logs for both Challenge 21 and 25 schemes and he demonstrated his full understanding of safeguarding issues. However, Ms. Hague did suggest that further training for all staff should be undertaken and that if the Sub-Committee determined that the licence be modified and she recommended that under 18 year olds be not permitted to attend live music, “gigs” or club nights for a minimum of three months to show that a culture change had been evidenced at the premises.
- 4.8 In response to questions from Members of the Sub-Committee, Julie Hague stated that, if a drugs culture was present at the premises, children might be encouraged to experiment with them.
- 4.9 Leo Charalambides acknowledged the tragic circumstances surrounding the review but stated that, since the licence had first been granted in 2005, this was the first time an incident had occurred on the premises which had resulted in the management of the Students Union to come before the Sub-Committee. He added that there was no history to associate the premises with the supply or taking of drugs. He referred to the drugs box, which had been emptied on 31<sup>st</sup> May, four days before the incident, and it was found to have more drugs inside it which had been found on the floor outside the premises and subsequently picked up by the security staff and placed in the box. Leo Charalambides highlighted an email from the SSU dated 3<sup>rd</sup> March, 2017 requesting the drugs box to be emptied; it was around two months later when the Police attended which could

explain why the box was so full. Leo Charalambides said there were 66 security staff employed at the premises and that no other venue in the City had this level of security. He added that sometimes small packages of drugs were concealed by persons and evaded the security measures which were carried out, but with the proposed added security, it was envisaged it would be even more difficult to take drugs inside. Mr. Charalambides then referred to the enhanced security proposals which had been drawn up between both of the city's Universities and the Police. He said it was envisaged that the face recognition system would be in place by the 6<sup>th</sup> August and the introduction of drugs sniffer dogs and to maintain and promote zero tolerance.

- 4.10 Richard Atkinson outlined the security measures at the Foundry and stated that the combined total of events during the academic year since September, 2016 had attracted in excess of 130,000 students. He further stated that all security staff received in-house SIA training and take the duties of both due diligence and duty of care for all customers very seriously and have been given guidance on the care of both drunk and drug intoxicated customers. Richard Atkinson referred to the refusals log which showed evidence of customers being ejected from the premises having been found to be drunk and abusive, which he felt proved that the licence conditions were enforced at the premises at all times. In relating to safeguarding issues, he stated that there were no reported incidents and that the premises were well run.
- 4.11 In response to questions from Members of the Sub-Committee, and others in attendance, Richard Atkinson stated that anyone found to be dealing drugs on the premises would be held and handed over to the Police. Leo Charalambides reiterated to Members that there wasn't a drugs problem on the premises, as it was well known throughout the City as a tough place to get into, and that there was no underlying culture of drug use. With regard to safeguarding issues, he referred to a calendar of events which included concerts which had an age restriction of 14+, at which it was predicted that under 18s would more than likely be accompanied by parents, but in any event, additional controls to help safeguard children would be put in place. These included searches on the door, covert security in the event and a dedicated safeguarding officer being present for the duration of the event. Leo Charalambides stated that whilst he didn't disregard the incident that had taken place, evidence showed that the students had taken the drugs at home and not at the Foundry.
- 4.12 Julie Hague and Jo Carty summarised their cases.
- 4.13 Leo Charalambides was also given the opportunity to summarise the case on behalf of the licensee.
- 4.14 Clive Stephenson reported on the options available to the Sub-Committee.
- 4.15 **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.

- 4.16 Samantha Bond 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, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to:-
- (a) lift the interim steps imposed at its informal meeting held on 12<sup>th</sup> June, 2017, in respect of the premises known as the Students Union, The Foundry, Western Bank, Sheffield, S10 2TG; and
  - (b) modify the conditions of the Premises Licence, as follows:-
    - (i) to maintain a regular review of CCTV requirements and provide the most up-to-date copy of the CCTV coverage report to the Licensing Authority, the Police and any other authorised responsible authority upon request;
    - (ii) to maintain a regular review of the policy and provide the most up-to-date copy of the zero tolerance drugs policy upon request of the Licensing Authority, the Police and Sheffield Safeguarding Children Board;
    - (iii) a trained sniffer dog and handler to be deployed a minimum of four times within 12 months from the start of the 2017/18 academic year;
    - (iv) a notice advising of random drug sniffer dog searches to be posted within the University of Sheffield Students Union;
    - (v) zero tolerance and search signage to be amended to include details of the consequences of being caught in possession of drugs;
    - (vi) all staff involved in entry point searches to wear high-viz vests identifying themselves as members of the search team;
    - (vii) members of the search team are to be deployed within the premises wearing high viz vests identifying themselves as members of the search team;
    - (viii) the premises to maintain and keep available for inspection, a register of security staff;
    - (ix) the premises to maintain and keep for inspection by authorised officers of the Licensing Authority, the Police and other responsible authorities, a refusals register and an incident register;
    - (x) the premises to maintain and provide a calendar of licensable events

and provide a copy one month in advance to the Licensing Authority, the Police and Sheffield Safeguarding Children Board. If it is not possible to give a months' notice of any event, adequate notice be given to allow suitable and sufficient comments to be made; and

- (xi) the provision of an I.D. scanner, operated at the premises on club nights from 23:30, to be implemented week commencing 4<sup>th</sup> September 2017.

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

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 10 April 2018**

**PRESENT:** Councillors David Barker (Chair), Kieran Harpham and Andy Nash

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

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

4.2 The licence holder in Case No. 44/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 45/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 46/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The licence holder in Case No. 47/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
44/18	Review of a Hackney Carriage and Private	Immediately revoke the licence under Section 61 of the Local Government

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|-------|--|---|
|       | Hire Driver's Licence  | (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006 as the Sub-Committee considers that, in the light of the offence now committed, the licence holder is no longer deemed a fit and proper person to hold a licence.   |
| 45/18 | Review of a Hackney Carriage and Private Hire Driver's Licence | (a) given the exceptional circumstances in this case, the licence be reinstated and (b) the licence holder be issued with a written warning with regard to his future conduct, to remain on his licence for a period of three years.  |
| 46/18 | 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 as the Sub-Committee considers that, in the light of the offence now committed, the licence holder is no longer deemed a fit and proper person to hold a licence. |
| 47/18 | 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 as the Sub-Committee considers that, in the light of the offence now committed, the licence holder is no longer deemed a fit and proper person to hold a licence. |

(NOTE: Councillor Andy Nash entered the meeting prior to the consideration of Case No. 45/18.)



**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 24 April 2018**

**PRESENT:** Councillors David Barker (Chair), Jack Clarkson and Neale Gibson

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**1. APOLOGIES FOR ABSENCE**

1.1 Councillor Kieran Harpham 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 two cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No.48/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No.49/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
48/18	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, in the light of the offences and convictions now reported, the Sub-Committee no longer considers the licence holder to be a fit and proper person to hold a licence.

49/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in light of the circumstances now reported and the representations now made, the Sub-Committee did not consider the applicant to be a fit and proper person to hold a licence.
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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 26 April 2018**

**PRESENT:** Councillors Josie Paszek (Chair) and Andy Nash

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Mick Rooney.

**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.37/18 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.50/18 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
37/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of three years as requested, but in the light of the offences and conviction now reported, the applicant be given a written warning as to his future conduct to remain live for the term of the licence.
50/18	Application for a Hackney Carriage and	(a) Grant a licence for the shorter term of three months in the light of the offences

Private Hire Driver's  
Licence

and convictions now reported and the Chief Licensing Officer be authorised to grant the applicant a further three month licence on the first renewal, a six month licence on the second renewal and a 12 month licence on the third and fourth renewals, subject to there being no further cause for concern and (b) the applicant be given a written warning, to remain live for the period of three years as applied for, indicating that, if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 1 May 2018**

**PRESENT:** Councillors Josie Paszek (Chair), Kieran Harpham and George Lindars-Hammond

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**1. APOLOGIES FOR ABSENCE**

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

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

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

4.2 The applicant in Case No. 51/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 52/18 attended the hearing.

4.4 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
51/18	Application for the grant of a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested on the grounds that the Sub-Committee considers the licence holder to be a fit and proper person to hold a licence.
52/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the case to allow a further opportunity for a witness involved in the case to attend a hearing.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 8 May 2018**

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

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Jack Clarkson.

**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 - MINT LOUNGE, 42/46 LONDON ROAD, SHEFFIELD, S2 4LR**

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act, 2003, in respect of premises known as Mint Lounge, 42-46 London Road, Sheffield S2 4LR (Ref. No.53/18).

4.2 Present at the meeting were Sean Gibbons (Environmental Health Officer), Georgina Holli, (Licensing Enforcement and Technical Officer (on behalf of the Licensing Service)), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from the Council's Director of Public Health, the Environmental Health Service, Sheffield Safeguarding Children Board, the Licensing Service, and South Yorkshire Police, and were attached at Appendix "B" to the report.

4.5 The applicant, who had been invited, did not attend the hearing, and the Sub-Committee agreed to consider the application in her absence.

4.6 Sean Gibbons reported that the screening of indoor activities had been withdrawn from the application by the applicant.

- 4.7 Sean Gibbons stated that the premises were previously operated as a shisha bar and the operators had been prosecuted twice and were facing a further prosecution for allowing smoking to take place inside the premises. He further stated that following enforcement visits carried out in January and March, 2018, he had very little confidence that the management had any intention of complying with the law, and believed that they had a total disregard for the smoke free law. He understood that the first prosecution under the Health Act 2006 had involved the previous operator who he believed was a relative of the current owner. Fines were imposed on the previous and current owners, but to date no payments had been received.
- 4.8 In response to questions from Members of the Sub-Committee, Sean Gibbons stated that recently, he had been unable to make contact with the owner but has, in the past, tried to engage and guide them in the right direction and had exhausted attempts to get them to comply with the licensing objectives, but the owner was not interested at all. Sean Gibbons stated that his Service had received complaints from other shisha operators in the city and also from Julie Hague of the Sheffield Safeguarding Children Board regarding the operation of the premises in the past. He stated that he and members of the Responsible Authorities had visited the premises and witnessed breaches of the conditions on numerous occasions. He further stated that it was unusual for a single premise to be prosecuted three times. Sean Gibbons added that the law states that any "lit" product within premises is an offence.
- 4.9 Georgina Hollis stated that she had visited the premises several times and witnessed a very dark, smoky atmosphere in all the rooms, with nowhere to escape from it. She further stated that the premises were not compliant with the smoke free legislation which had been introduced and anticipated that the owner would continue to break the law in the future due to her blatant disregard of the law. Georgina Hollis made reference to the fact that this type of operation that allowed the smoking of tobacco and/or shisha does not accord with the policy of the City Council.
- 4.10 In response to questions from Members of the Sub-Committee, Georgina Hollis stated that the operating schedule of the previous licence was for the provision of late night refreshments and the age verification scheme should be operated, however the licence holder had failed to recognise the scheme and was in breach of the licence conditions requiring the Challenge 21 scheme to be in operation at all times, but the licence had lapsed due to insolvency. She further stated that concerns had been raised during consideration of the first application for a premises licence regarding parking in the area and she commented that illegal parking would seem to be still an issue.
- 4.11 Julie Hague had submitted her apologies as she was unable to attend the meeting, however she had circulated in advance a statement and asked that this be taken into consideration. Sean Gibbons and Georgina Hollis made reference to this statement and outlined the reasons for objection to the application. Julie Hague had reported that the Sheffield Safeguarding Children Board felt that, if the application was granted, the premises would continue to operate illegally as an adult café style lounge where shisha was consumed and that unaccompanied



children and young people would continue to gain access and were at risk of harm. Ms. Hague made reference to the previous prosecutions and in order to investigate the complaints made, she had visited the premises on a number of occasions as part of a multi-agency visit and on each occasion had witnessed breaches of smoking legislation and the lack of evidence of an age verification scheme i.e. there being no refusals log or staff training records available for inspection. Ms. Hague added that the premises were located in the London Road area of the city which was an area popular with young people and easily reached by public transport. She stated that the venue was reputed to attract young people, some of whom travelled from other cities. Ms. Hague felt that due to the history of the premises and the lack of responsible governance, non-compliance and risk would continue to occur at the premises.

- 4.12 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.13 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.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 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, the additional information now circulated and the representations now made, the application for a premises licence at Mint Lounge, 42-46 London Road, Sheffield S2 4LR, be refused (Ref. No.53/18).

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

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# SHEFFIELD CITY COUNCIL

## Licensing Committee

### Meeting held 10 May 2018

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge, Lisa Banes, David Barker and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Adam Hurst, Vickie Priestley and Mick Rooney.

#### **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. DETERMINATION OF LICENCE FEES**

4.1 The Chief Licensing Officer submitted a report on the Licensing Fees Review (Determination of Fees) for the 2018/19 financial year and attaching, as appendices, a breakdown of the Licensing Service's budget for 2018/19, proposed fees for the different licensing services and functions, details of the statutory fees and a schedule of fees relating to the Safety of Sports Grounds.

4.2 Clive Stephenson (Licensing Strategy and Policy Officer) introduced the report, indicating that, further to careful consideration of the allocation of time, costs and the resulting calculations, it had been proposed to increase the fees in respect of licences regarding Scrap Metal, Pavement Cafes, Skin Piercing and Second Hand Dealers. Mr. Stephenson confirmed that the fees had been viewed and approved by the Finance Service.

4.3 In response to questions raised by Members of the Committee, it was stated that, as well as the proposed fees being advertised, the Licensing Service had consulted with relevant licensees and representative groups, particularly where changes had been proposed. It was confirmed that any costs with regard to the judicial review of decisions made regarding Sex Establishments/Sexual Entertainment Venues were met corporately, and not by the Service. Mr Stephenson confirmed that proposed increases in the four areas now stated had been recommended due to increased staffing costs associated with dealing with such licences. The wide percentage variance in terms of the proposed increases was either due to large increases in the number of applications for such licences, hence increases in staff time, or where there were new licences, such as Pavement Cafes, where the Service had estimated the fees from the outset, and

now determined that they needed increasing.

4.4 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, the comments now made and the responses provided to the questions now raised; and
- (b) authorises the Chief Licensing Officer to impose the fees, as detailed in the report now submitted, and the relevant appendices.

**5. MINUTES OF PREVIOUS MEETINGS**

- 5.1 The minutes of the meetings of (a) the Licensing Committee held on 23<sup>rd</sup> November and 14<sup>th</sup> December, 2017 and (b) the Licensing Sub-Committee held on 24<sup>th</sup>, 28<sup>th</sup> and 30<sup>th</sup> November and 5<sup>th</sup>, 12<sup>th</sup> and 21<sup>st</sup> December, 2017 and 4<sup>th</sup>, 9<sup>th</sup>, 11<sup>th</sup>, 16<sup>th</sup>, 18<sup>th</sup>, 25<sup>th</sup> and 30<sup>th</sup> January, 1<sup>st</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, 22<sup>nd</sup> and 27<sup>th</sup> February, 8<sup>th</sup>, 13<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 27<sup>th</sup> March and 5<sup>th</sup> April, 2018, were approved as correct records.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 10 May 2018**

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

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**1. APOLOGIES FOR ABSENCE**

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

**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 - PLOT 22, EXCHANGE STREET, SHEFFIELD S2 5TS**

4.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice, under Section 104(2) of the Licensing Act 2003, in respect of the premises known as Plot 22 Exchange Street, Sheffield S2 5TS (Ref No.54/18).

4.2 Present at the meeting were Dalton Kershaw and Michael Thompson (RiteTrax Records, CIC, Premises), Tracy Lovatt, Alison McDonald and Bob Singh (Environmental Protection Service, Objectors), Simon Ogden (City Growth), Clive Stephenson (Licensing Strategy and Policy Officer), Paul Barber (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Bob Singh made reference to additional evidence he wished the Sub-Committee to consider, as part of his objection, and, in the light of this, the Chair stated that, in order to provide a fair hearing for all parties, and to enable the Sub-Committee to give due consideration to the case, the evidence be provided in a summarised format, including redactions where relevant, and considered by the Licensing Sub-Committee at its meeting to be held on 15<sup>th</sup> May, 2018.

4.4 **RESOLVED:** That, in the light of the circumstances, the meeting be adjourned, and reconvened on Tuesday, 15<sup>th</sup> May, 2018, at 11.00 a.m.

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**5. RECONVENED MEETING ON 15TH MAY 2018**

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge and Lisa Banes.

**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF THE 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 – PLOT 22 EXCHANGE STREET, SHEFFIELD S2 5TS**

4.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice, under Section 104(2) of the Licensing Act 2003, in respect of the premises known as Plot 22 Exchange Street, Sheffield S2 5TS (Ref No.54/18).

4.2 The Chief Licensing Officer reported that the meeting of the Sub-Committee on 10<sup>th</sup> May, 2018, had been adjourned to allow the Environmental Protection Officers to provide additional evidence in a summarised format, including redactions where relevant, to Members of the Sub-Committee.

4.3 Present at the meeting were Dalton Kershaw and Michael Thompson (RiteTrax Records, CIC, Premises), Tracy Lovatt, Alison McDonald and Bob Singh (Environmental Protection Service, Objectors), Simon Ogden (City Growth), Clive Stephenson (Licensing Strategy and Policy Officer), Brendan Twomey (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.4 Brendan Twomey outlined the procedure which would be followed during the hearing.

4.5 Bob Singh outlined background information regarding the area which had been submitted by Simon Ogden, Programme Director, Castlegate Kickstart Project. He stated that Castlegate had experienced a long period of decline due to the relocation of large retail occupiers to other parts of the City, but it contained the hidden remains of the Sheffield Castle and had a large stock of vacant good quality buildings. A regeneration strategy has been developed to set out the area as a key regional location for the Tech and Creative Sector start-ups, already evidenced by 80 makers and artists working in Exchange Place Studios. Another key part of the strategy was to encourage low-cost business start-ups using the many vacant retail spaces under the "ReNew Sheffield" banner, the retail space which was the subject of this Temporary Event Notice (TEN) having resulted from this initiative. It was stated that all the events held at the new start-up premises had operated under the TEN system and subsequently had attracted some complaints from the residential premises, known as Terminal Warehouse at Victoria Quays, although no complaints had been received from other residential

premises nor the hotels in the vicinity. It was noted that the start-up enterprises had acknowledged errors and inexperience but had responded to the complaints and that it was intended that the interim sound-proofing and other necessary adaptations would be upgraded to embrace the new night-time economy in the area. Bob Singh then produced maps of the area and outlined the distances from the various properties to the premises at Plot 22, Exchange Street. He stated that the area was mixed commercial and residential use.

- 4.6 Bob Singh stated that Plot 22 had operated under 17 TENs since 2017, one of which was unauthorised and had attracted a significant number of public nuisance complaints and he felt that the proposed event would result in excessive noise. Mr. Singh considered that the hours applied for would be excessive as the event would be nightclub/rave style with regulated entertainment until 05.30 a.m. He stated that the main weak point of noise breakout was due to the fabric of the building and its poor ability to contain noise created by amplified music. Mr. Singh said that he had met with the applicants and made recommendations to them on how to control the noise inside the premises and also how to effectively manage patrons outside the venue. However, following several meetings and discussions held, sound attenuation works have not been completed and complaints were still being received from residents located on Wharf Street. Mr. Singh further stated that he had visited all the plots currently licensed on 28 occasions to investigate the complaints made. He said that the units were all A1 retail units and were not fit for purpose to contain loud noise. Mr. Singh made reference to allowable noise levels and said the evidence showed that the nuisance was getting worse rather than improving.
- 4.7 Tracy Lovatt referred to a visit she had made to the area following a complaint in August, 2017. She stated that when she arrived outside Plot 22, she could hear music and witnessed noise breakout from customers, with the potential to cause annoyance. She returned to the premises later on during the night and noticed that the base level inside the premises had increased. Ms. Lovatt observed that no security was present.
- 4.8 Alison McDonald made reference to several visits she had made to the area following complaints received. On one occasion, she witnessed two events being held at the same time competing against each other and visited residents to assess the noise level from their premises. Ms. McDonald noted that the events were always held during the night and early hours of the morning. She referred to a visit she made on 15<sup>th</sup> April, 2018 when Plots 16, 22 and 35 were all open and the collective noise had been overwhelming, stating that she could feel the vibration from the music as she was sat inside her car. On each occasion, the noise from Plot 22 was always the most predominant, the building shook from the vibration and she rung the applicant asking him to reduce the noise. She noted that the door was left open, there being no internal door to help reduce noise breakout and there didn't appear to be any formal security checking the I.D. of persons entering the premises. However, she witnessed security staff outside Plot 16 attempting to manage the area but she witnessed numerous people dancing and urinating in the street. In her opinion, the patrons were aged between 18 and 30, although some appeared under the age of 18. At around 01.30 a.m. on 21<sup>st</sup> April, she visited the area, following complaints received from residents and carried

out noise assessments, returning again at 4.00 a.m., as residents had been awoken by people in the street. Again, she saw no evidence of security staff, the door having been left open and unattended, and she suspected some kind of drug activity with a strong smell of cannabis. She noted that the smoking area was penned in by a fence and a blanket had been thrown over the fence in an attempt to reduce noise.

- 4.9 In response to questions from Members of the Sub-Committee, Bob Singh stated that the complaints were from residents on Wharf Street by the river at the entrance to Victoria Quays. He further stated that following the evidence gathered, it would appear that events held at Plot 22, although advertised as art, music and culture, bore little resemblance to this and the noise nuisance was getting worse.
- 4.10 Michael Thompson stated that he and his partner had an established events business based on TENs, the focus being on club nights, art and culture. He added that the event in question was predominantly music and felt that they had been unfairly targeted and exaggerations had been made regarding people being afraid to walk in the area, as the same could be said regarding any late night area of the city centre. He went on to state that they have a good track record working with the Council and had been encouraged to run events in the area to help with its regeneration. Mr. Thompson said that last December, following a complaint from a local resident, he had visited the premises but nothing could be heard, however he left his contact details with the tenant should any disturbance arise. Mr. Thompson informed the hearing that they were a voluntary run organisation and it was not a case of ignoring problems, but they tried to deal with issues as and when they arose. Mr. Thompson stated that he and his partner had long term plans to licence the premises. He added that he had contacted the Manager at the Travelodge who had no complaints and referred to a letter of support, which had been circulated prior to the meeting.
- 4.11 Dalton Kershaw stated that recently a new stud wall with acoustic rockwool insulation and a fire door had been installed inside the premises. He reiterated the point made earlier that the only complaints received had been from residents, not from any businesses in the area and that no complaints had been received from South Yorkshire Police following visits made by them to the premises. He added that he and his partner had been reactive to any requests from the City Council and had been proactively monitoring sound levels from inside the premises. Mr. Kershaw emphasised the nature of the business as a social enterprise which included the provision of affordable art space, the delivery of creative workshops and classes and an online platform for creatives.
- 4.12 In response to questions from Members of the Sub-Committee, Michael Thompson stated that pending the outcome of the meeting, two SIA door staff would be employed and that staff were all health and safety and first aid trained. He gave Members full assurance that all licensing objectives would be met during the event and the fenced in smoking area would be relocated to allow ease of access and egress from it. Mr. Thompson stated that they had been working with sound engineers to fit sound limiters to the speakers and the levels would be set before the event and kept at that level throughout the night. Mr. Kershaw added that doorstaff had been told not to allow persons to take drinks outside and that they



must leave the premises quietly. He said that the event would be licensed for up to 60 people and there would be two members of staff working on the bar and two more staff walking around. Both Mr. Thompson and Mr. Kershaw again reiterated that they are keen to continue working with the Council.

- 4.13 Clive Stephenson outlined the options available to the Sub-Committee.
- 4.14 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.
- 4.15 Brendan Twomey reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press attendees.
- 4.17 RESOLVED: That, in the light of the information set out in the report now submitted, the additional information now circulated, and the representations now made, the Sub-Committee acknowledged the Temporary Event Notice in respect of Plot 22 Exchange Street, Sheffield S2 5TS (Ref. No. 54/18), and allowed the event to go ahead on the proposed date subject to the following stipulations:-
- (a) the noise levels be monitored at all times;
  - (b) two SIA staff be employed;
  - (c) four members of staff working during the event, two behind the bar and two managing the event;
  - (d) no more than 60 persons be allowed onto the premises at any time and that they be asked to leave quietly; and
  - (e) the smoking area be easily accessible.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 15 May 2018**

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge and Lisa Banes

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. STREET TRADING - SCHOOLS (ICE CREAM) TRADING CONSENT - BIRLEY COMMUNITY PRIMARY SCHOOL, THORNBRIDGE AVENUE, SHEFFIELD S12 4XF**

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 Schools (Ice Cream) Street Trading Consent to trade at Birley Community Primary School, Thornbridge Avenue (Ref No.55/18).

4.2 Present at the meeting were Paul Grayson (Applicant), Councillor Neale Gibson (on behalf of the Applicant), Annemarie Reid (Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Brendan Twomey (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Brendan Twomey outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that objections to the application had been received from the Headteacher of Birley Community Primary School and a local resident, and were attached at Appendix 'C' to the report. The Headteacher had been invited to the meeting, but was not present.

4.5 Neale Gibson advised the Sub-Committee that, although is a Councillor, he was representing Paul Grayson in his capacity as his accountant and considered that it was appropriate to declare that interest. Mr. Gibson read out a statement prepared by Paul Grayson which stated that he had been selling ice cream for around 27 years, at various different location, across the City, and had experienced very few problems. He added that Mr. Grayson was a family man

and that, if he lost his licence to trade, his family would be put under financial difficulties. Mr. Gibson further stated that the applicant did not obstruct any part of the highway outside the school or along the road. He stressed that no objections had been received from the Responsible Authorities, including the Licensing Service, who had visited the site. Mr. Gibson then submitted a petition which had been organised by Mr. Grayson containing 221 signatures, expressing support for him to operate at the location. He also produced a letter of support from the former Headteacher of the school where he had previously traded. Mr. Gibson referred to the allegations made by the member of the public stating that Mr. Grayson had intimidated her and had disclosed her address on Facebook, and stated that these were untrue.

- 4.6 In response to questions from Members of the Sub-Committee, Mr. Grayson stated that he occasionally parked up outside the school at 2.55 p.m., but did not start trading until after 3.00 p.m. In describing the area to Members, Mr. Grayson stated that the road was a straight, one-way road, and that he parked on the opposite side of the road away from the school gates and served to the left-hand side so that children were not stood in the road waiting to be served. He said that other people parked on double yellow lines but that he never illegally parked adding that during the day, he parked his car in the space intended for the ice cream van and then moved it so that he could move the van into the space. Mr. Grayson said that he didn't have a food safety rating but did have a good food handling certificate.
- 4.7 Annemarie Reid referred to her letter of complaint attached to the report and stated that, in her opinion, the applicant was not a fit and proper person to hold a licence to serve ice cream outside a school. She said that if on occasion she had parked her car where Mr. Grayson usually parks his van, he was very aggressive, used bad language against her and that many of the other parents were frightened of him due to his temper and abusive language. Mrs. Reid said that she had reported him to the police and could produce a crime incident number. She also stated that she had sent video evidence to the Licensing Service showing Mr. Grayson behaving badly and could have produced it at the hearing, but it wasn't possible, due to a lack of equipment, for the Sub-Committee to have properly viewed it. Mrs. Reid added that the Headteacher had stated that whilst she had had no objection to the previous ice cream seller trading outside the school, she did not want Mr. Grayson trading there.
- 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 Brendan Twomey 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, in the light of the information contained in the report now submitted, and the representations now made, approval be given for the grant of a Schools (Ice Cream) Street Trading Consent at Birley Community Primary School, Thornbridge Avenue (Ref No. 55/18), for a period of 12 months.

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**SHEFFIELD CITY COUNCIL**

**Licensing Committee**

**Meeting held 16 May 2018**

**PRESENT:** Councillors Andy Bainbridge, Lisa Banes, David Barker, Jack Clarkson, Dawn Dale, Neale Gibson, Adam Hurst, Douglas Johnson, Mike Lavery, George Lindars-Hammond, Joe Otten, Josie Paszek, Mick Rooney and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

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

**2. APPOINTMENT OF JOINT CHAIRS**

2.1 RESOLVED: That Councillors David Barker and Josie Paszek be appointed as Joint Chairs of the Committee for the Municipal Year 2018/19.

**3. DATES AND TIMES OF MEETINGS**

3.1 RESOLVED: That meetings of the Committee be held on Tuesdays and Thursdays, weekly, at 10.00 am, and as and when required.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 22 May 2018**

**PRESENT:** Councillors David Barker (Chair), Neale Gibson and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. 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. 58/18 attended the hearing with a friend, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 52/18 attended the hearing and addressed the Sub-Committee. Two witnesses, specifically a Licensing Officer and the complainant, also attended the hearing and made representations.

4.4 The licence holder in Case No. 59/18 attended the hearing with a representative, and they both addressed the Sub-Committee. Two Licensing Officers also attended the hearing, as witnesses, and addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
58/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.

52/18	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the information contained in the report, and the representations now made, including statements from the witnesses in attendance, the Sub-Committee agrees to take no action in respect of the case.
59/18	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, as, in the light of the information contained in the report, together with the representations now made, including the witness statements, the Sub-Committee considers that the licence holder is no longer a fit and proper person to hold a licence.

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 5 June 2018

**PRESENT:** Councillors Josie Paszek (Chair), Dawn Dale and Neale Gibson

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#### **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 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. 60/18 attended the hearing with a friend, and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 61/18 attended the hearing with his sister, and they both addressed the Sub-Committee.
- 4.4 The licence holder in Case No. 62/18 did not attend the hearing, and the case was considered in his absence.
- 4.5 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
60/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of three years, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.

61/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application to a further hearing to enable the applicant to obtain and submit more information, including references, in support of his application.
62/18	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 as the Sub-Committee consider that, in the light of the offences now committed, the licence holder is no longer deemed a fit and proper person to hold a licence.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 12 June 2018**

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge and Neale Gibson

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**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. 65/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 66/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
65/18	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months in the light of the offence and conviction now reported and and (b) the applicant be given a written warning, to remain live for the period of his licence, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

66/18	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months in the light of the offence and conviction now reported and (b) the applicant be given a written warning, to remain live for the period of his licence, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
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## SHEFFIELD CITY COUNCIL Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 26<sup>th</sup> July, 2018

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**Subject:** Review of Private Hire Operator and Vehicle Policy  
Private Hire Vehicle Policy  
Part 4: Private Hire Vehicle Specification

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**Author of Report:** Clive Stephenson

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**Summary:** To review part of the current Private Hire Operator and Vehicle Policy  
Vehicle Specification: Windows in licensed Private Hire Vehicles

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**Background Papers:** Not applicable

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**Category of Report:** OPEN

**Review of Private Hire Operator and Vehicle Policy:**  
**Private Hire Vehicle Policy, Vehicle Specification - Section 4 - Windows**

**1.0 Purpose of the report**

1.1 To review the current Private Hire Vehicle Specification in regards to windows.

**2.0 Background**

2.1 The current Private Hire Operator and Vehicle policy has been effective since November 2016.

2.2 'Tinted Windows' on vehicles has been a matter which has been widely debated with our licensed trade associations, independent drivers, the Police and other Licensing Authorities.

2.3 In this regard the Licensing Committee at the time of approving the policy requested that we review this section of the policy, obtain detailed information and present it back with its findings.

**3.0 Current Window Specification.**

3.1 Our current policy on 'Windows' (section 4 of the Private Hire Vehicle Policy) is detailed as follows:

*All glazing must comply with Road Vehicles (Construction and Use) Regulations 1986, Section 32 in regards to the level of tints.*

*Light transmission must meet the following criteria:*

*Front windscreen - minimum 75% light transmission*

*Front side door glass - minimum 70% light ingress transmission*

*Remaining glass - minimum 70% light ingress transmission*

*In cases of non-saloon type vehicles the rear side windows and rear windscreen, which in the opinion of the tester does not impact on the seating area of passengers, can have a higher density tint, but this must allow at least 20% light transmission.*

*Tinted films applied to any window are not permitted.*

3.2 Sheffield City Council's primary purpose of prohibiting heavily tinted glass in vehicles is to protect the safety of both the driver and of lone passengers by enabling both to be seen by those passing by. The current light ingress levels still allow passengers to be seen from outside of the vehicle at close range.

3.3 As vehicles are being updated by manufacturer's, 'windows tints' that are outside the scope of our policy (darker) are fast becoming 'as standard' on vehicles. The cost of replacement glass, if available, is expensive.



## **4.0 Consultation**

- 4.1 The Licensing Service has undertaken a comprehensive consultation with interested parties.
- 4.2 A survey with all our Private Hire Operators was commissioned and the results are attached at Appendix 'A'.
- 4.3 The Licensing Service also benchmarked against other Local Authorities and the results of this are attached at Appendix 'B'.
- 4.4 The Licensing Service also asked for comments and recommendations from trades and other stakeholders, these are attached at Appendix 'C'.

## **5.0 Points for consideration**

- 5.1 The Licensing Service has undertaken a detailed consultation and information gathering exercise into 'tinted windows' – results are attached.
- 5.2 The Licensing Service has considered the results of the consultation. The points for consideration from that consultation are below.
- 5.2.1 Privacy glass is now commonplace in many vehicles, most of which is now being fitted to the rear glassed area in vehicles as standard, meaning that many vehicles no longer meet the current specification.
- 5.2.2 Applicants (licensees) are finding it increasingly difficult to find vehicles that meet our specification and are having to spend vast amounts of money converting the glass.
- 5.2.3 The example below would cover the vast majority, but not all of the current manufacturers' standard glass fittings:
- Front windscreen - minimum 75% light transmission
  - Front side door glass - minimum 70% light ingress transmission
  - Remaining glass - minimum 65% light ingress transmission
- 5.2.4 Through benchmarking, it is evident that other Councils have a specification that rule out the use of secondary (self-applied) tinting of windows.
- 5.2.5 Members may wish to consider the use of CCTV in its licensed vehicles where licensees wish to have heavier tinted factory fitted glass windows to those stated above. Costs would be burdened on the licensee; cost effectiveness of such a decision would lay on the applicant/licensee.
- 5.2.6 Members are to note that any changes made to this part of the policy must promote:
- the protection of the public;
  - safeguarding children and the vulnerable;
  - prevention of crime and disorder; and
  - prevention of public nuisance;

## **6.0 Options**

- 6.1 Take no action, leaving the current policy in place.
- 6.2 Amend the Policy taking into consideration representations and the details in section 5 of this report.
- 6.3 Amend the Policy to another specification.
- 6.4 That Members defer the report for further consideration and information.

Steven Lonnia  
Chief Licensing Officer / Head of Licensing Service

26<sup>th</sup> July 2018

# APPENDIX A

Operators Responses

AI

Additional comments:  
 STICK TO THE RULES i.e DONT ALLOW 1/4 LIGHT WINDOWS TO BE TOO DARK, DONT ALLOW CARS THAT STATE THEY ONLY DO EXECUTIVE WORK TO HAVE WINDOWS TOO DARK. ALSO BAN CONTRAVISION ON HACKNEY AND PRIVATE HIRE.

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	✓	
Additional comments:			

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	✓	
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	75%
	Front side door glass - minimum light ingress transmission	70%	70%
	Remaining glass - minimum light ingress transmission	70%	70%

5	Any further comments QUESTION FOUR, WINDSCREEN 75% AND SIDE FRONT DOOR GLASS 70%, THIS IS THE LEGAL MINIMUM.
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A2

		Yes	No
1	Are you happy with the current window specification		No
	<p><b>Additional comments:</b> Most new cars now come with tinted privacy glass as standard, I had to pay out a further £800 to change it on a Mazda 6 Estate, I would imagine the Exec type vehicles would cost considerably more. Other licencing authorities allow the glass to be 'as fitted' and they don't seem to have any issues with it.</p>		

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?		No
	<p><b>Additional comments:</b> If drivers have gone through the CRB checks then it's as safe as it can be, if a passenger is in danger from the other passengers then the driver can deal with it as he sees fit.</p>		

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	yes	
	<p><b>Additional comments:</b> It could be optional so the driver can risk assess it himself, if licencing is concerned for either the passengers or drivers safety they should be considering mandatory internal cctv.</p>		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	<i>Front windscreen - minimum light transmission</i>	75%	As factory fitted
	<i>Front side door glass - minimum light ingress transmission</i>	70%	As factory fitted
	<i>Remaining glass - minimum light ingress transmission</i>	70%	As factory fitted

5	Any further comments
<p>Page 49</p>	

AB

1	Are you happy with the current window specification	Yes	No
	Additional comments: PERHAPS SOME LENIENCY TOWARDS VEHICLES WHICH ONLY OPERATE AIRPORT SERVICES. I.E. NO TOWN/CITY WORK		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	
	Front side door glass - minimum light ingress transmission	70%	
	Remaining glass - minimum light ingress transmission	70%	

5	<b>Any further comments</b> VERY DIFFICULT DUE TO MANUFACTURERS NOT PUTTING CLEAR GLASS IN REAR WINDOWS. COULD SHEFFIELD COUNCIL SHARE COSTS WITH DRIVERS WHEN THEY HAVE TO <del>BE</del> CHANGE REAR GLASS?
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AL4

		Yes	No
1	Are you happy with the current window specification	✓	
	Additional comments:		

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	✓	
	Additional comments:		

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	✓	
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
		<i>Front windscreen - minimum light transmission</i>	75%
	<i>Front side door glass - minimum light ingress transmission</i>	70%	
	<i>Remaining glass - minimum light ingress transmission</i>	70%	

5	Any further comments
---	----------------------

AS

1	Are you happy with the current window specification	Yes	No
	Additional comments:		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	
	Front side door glass - minimum light ingress transmission	70%	
	Remaining glass - minimum light ingress transmission	70%	

5	<p><b>Any further comments</b></p> <p>MY VEHICLE IS EXEMPT WITH TINTED WINDOWS &amp; WHICH I HAD TO FACE COURT. WOULD YOU NEED EVERY DRIVER IN FRONT OF COURT IF YOU ALLOWED TINTED WINDOWS, ALSO COST ME TIME OFF WORK, WILL I GET REIMBURSED MY LOSS OF EARNINGS IF THIS GOES THROUGH.</p> <p><i>[Signature]</i></p>
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16

		Yes	No
1	Are you happy with the current window specification		<input checked="" type="checkbox"/>
Additional comments:			

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?		<input checked="" type="checkbox"/>
Additional comments:			

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?		<input checked="" type="checkbox"/>
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	ok.
	Front side door glass - minimum light ingress transmission	70%	ok
	Remaining glass - minimum light ingress transmission	70%	20%

5	<p><b>Any further comments</b></p> <p>Minibuses would benefit with tinted windows for passenger comfort. I've run a Mercedes Vito for 5 yrs now and even with air/cond it can be like an oven in the back. Tints make it cooler.</p>
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A7

1	Are you happy with the current window specification	Yes	No
	Additional comments:		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	100%
	Front side door glass - minimum light ingress transmission	70%	100%
	Remaining glass - minimum light ingress transmission	70%	100%

5	Any further comments
---	----------------------

A8

1	Are you happy with the current window specification	Yes	No
	<input checked="" type="checkbox"/>		
Additional comments:			

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	<input type="checkbox"/> <input checked="" type="checkbox"/>		
Additional comments:			

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	<input type="checkbox"/> <input checked="" type="checkbox"/>		
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	<i>Front windscreen - minimum light transmission</i>	75%	
	<i>Front side door glass - minimum light ingress transmission</i>	70%	
	<i>Remaining glass - minimum light ingress transmission</i>	70%	

5	<b>Any further comments</b> <i>The vehicle should be as OEM Standard for that model.</i>
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1	Are you happy with the current window specification	Yes	No
	Additional comments:		

2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	Yes	No
	Additional comments:		

3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	Yes	No
	Additional comments:		

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	75
	Front side door glass - minimum light ingress transmission	70%	20
	Remaining glass - minimum light ingress transmission	70%	20

5	<p><b>Any further comments</b></p> <p>I am an Exec driver running a one man operation and from experience can confirm that I have lost work in the past due to the vehicle not having rear tints. at purchase this was an extra cost to remove. SSC is behind in this matter compared to other owners.</p>
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A10

Additional comments:  
 STICK TO THE RULES ie DONT ALLOW 1/4 LIGHT WINDOWS TO BE TOO DARK, DONT ALLOW CARS THAT STATE THEY ONLY DO EXECUTIVE WORK TO HAVE WINDOWS TOO DARK. ALSO BAN CONTRAVISION ON HACKNEY AND PRIVATE HIRE.

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	✓	
Additional comments:			

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	✓	
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	75%
	Front side door glass - minimum light ingress transmission	70%	70%
	Remaining glass - minimum light ingress transmission	70%	70%

5 Any further comments  
 QUESTION FOUR, WINDSCREEN 75% AND SIDE FRONT DOOR GLASS 70%, THIS IS THE LEGAL MINIMUM.

# APPENDIX B

## Benchmarking Results

31

AUTHORITY	TINTED WINDOWS POLICY			% of Light allowed		
	Y	N		FRONT	SIDE/PASS	REAR
Manchester	Y			75		70 >70
North East Lincs		N				If in have to comply with RT Legislation
Bolton		Y		75	70	70
Bury	Y			75	70	25 Exemption allowed in exec vehicles but must be applied for
Pendle		N				
Oxford	Y			70		Rear can have security glass but vehicle must have CCTV
Harrogate		N				Allow factory fitted
Chorley		N				Factory fitted comply with RT legislation
Carlisle	Y			75	75	75
Worthing	Y					Officer discretion
Adur	Y					Not allowed unless permission is granted on application
South Lakeland	N					May come under modifications then its manufacturers tint - no secondary tint
Wirral	Y			75	75	75 just introduced before rear passenger windows could be tinted more
Barnsley	Y					MOT Standard, RT Act legislation
Liverpool	Y					Factory fitted, no film or secondary tinting
Preston	Y					reward of driver - Factory fitted, no film or secondary tinting
Rotherham	Y					MOT Standard, RT Act legislation
Chesterfield		N				
Telford & Wrekin	Y					Currently Manufacturer standard but under review, suggested 75%

# APPENDIX C

## Stakeholders responses



## **Tinted windows – Private Hire Vehicles**

The current policy on tinted windows is outdated and costly for Sheffield licensed Private Hire Vehicles.

We do not believe that safety of the public is compromised by allowing factory fitted glass which is tinted darker than what is currently allowed. We believe that current policy is unfair on Sheffield Licensed Private Hire Vehicles, burdening licensed holders with unnecessary cost.

We wish to bring to your attention that many 'out of town' licensed PHV and Taxis transport children and vulnerable adults on behalf of Sheffield City Council (school transport contract) with heavily tinted windows, we have highlighted this indifference previously.

**We request that the current policy is replaced with a policy that allows 'factory fitted glass' which may be of darker glass.**

ALPHA welcome the opportunity to respond to the consultation for the change in policy to the level of window tints in the rear windows of the passenger compartment.

Section 8.4 – Window Tints	
Method of Inspection	Reason for Rejection
Check all windows with approved measuring device for light ingress through windows.	
Front windscreen must allow 75% light ingress.	Front window less than 75% light ingress.
All side and rear windows must allow 70% light ingress.	Any side or rear window less than 70% light ingress.
<b>Note:</b> In case of non-saloon cars the rear windows and rear screen, which in the opinion of the tester does not impact on seating area of the passenger, can have a higher density tint but must not allow less than 20% light ingress.	A non-saloon vehicle that has rear or rear screen that are not in the passenger seating area, and does not allow at least 20% light ingress.

Light transmission must meet the following criteria:

- Front windscreen - minimum 75% light transmission
- Front side door glass - minimum 70% light ingress transmission
- Remaining glass - minimum 70% light ingress transmission

The reasons given for the % of light ingress for the rear passenger windows or ‘remaining glass’ has been given that this is for both the driver and public safety.

The driver of the licensed PHV has been deemed as a fit and proper person and therefore is not a danger to the public within the vehicle regardless of the level of light allowed through the rear windows. Furthermore no evidence is available to say that the level of tint in the rear passenger glass has ever contributed to public safety.

To suggest that the level of tint in a Private Hire Vehicle would allow a driver to carry more than the vehicle was licensed for is a presumption, contradicting the fitness and propriety of the driver, this is on par to saying that every Private Hire Driver could or would Ply for Hire so the SCC have removed the option to license Private Hire Vehicles, policy deals with individual drivers should they be found to have breached such conditions and not pre-empting a possible breach by conditions. Indeed, policy already exists should a driver not adhere to seating capacity as shown below;

Seats and Passengers	
a.)	The proprietor shall not cause or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified on the licence.
b.)	Once a vehicle has passed a Compliance test the seating layout must not be changed, except in circumstances where the temporary accommodation of wheelchair is to be required.
c.)	Where it is possible to change the seating layout, the proprietor must ensure that no more seats than are stated on the licence are fitted.
d.)	All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.

C3

The emails that ALPHA sent to over 390 License Authorities came back with the figures detailed below with regards to the window tint of glass for the REAR passenger windows;

	Replies /	% of replies
A level of tint specified in conditions	7 /	13.2
Level of tint acceptable from manufacturers fitting	42 /	79.25
Other specification specified	4 /	7.54

The 7 that replied and had a level of tint specified in conditions were of a level very similar to that of the SCC.

The 42 that replied allowed vehicle rear passenger window tints to be of the standard fitted by the manufacturer, which of course is certified by both the European Community Whole Vehicle Type Approval (ECWVTA) & the British National Type Approval (BNTA).

The 4 that have other specification stated that 'from a distance of 20 meters the rear occupants must be in clear view as one of the specifications used, which we feel would not be suitable due to the outcome being argumentative when decided upon by the tester and what the proprietor saw or felt to be different, therefore preventing conflict at time of testing.

The cost of replacing the rear passenger windows to match the current light egress is within a range of £600 to £2000 dependant on vehicle and manufacturer, again, this is in contravention of the The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 (under review) as referred to at page 3 of the original consultation, which states that;

*Tinted windows 30.*

*The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.*

Again, I highlight that it states;

**'Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.'**

This therefore confirms that the reason that such a high percentage of Local Authorities allow factory fitted windows as standard have already accepted and welcomed the suggestion of the guidelines from the DfT, we trust that the SCC will also welcome and embrace the suggestion of this document.

Clf

It is therefore ALPHA's request that this consultation removes the restrictions on light ingress/egress on the rear passenger windows and replaces the condition with 'FACTORY FITTED GLASS' for Private Hire Vehicles licensed by Sheffield City Council. Furthermore, an ADDITION to the policy that states that 'NO THIRD PARTY APPLICATION OF TINTS SHALL BE APPLIED'.

CS

## Stephenson Clive (CEX)

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**From:** Hague Julie  
**Sent:** 10 April 2017 17:55  
**To:** Stephenson Clive (CEX)  
**Cc:** (GCSX) Hallas Gillian  
**Subject:** RE: Drivers Badges Consultation

Hi Clive

I'm sorry it's taken a while to respond but here are my thoughts which I hope are constructive.

1. **Badges/Proposal to remove the requirement for Photo ID:** Photo ID is a safeguarding measure which helps to check that the person who is driving the vehicle is legally licensed to do so and therefore has been suitably vetted and trained to deliver a service to children and vulnerable passengers. If this measure is removed, there is potential for unqualified/unlicensed individuals to operate illegally and put children and the vulnerable at risk as ID checks will be impeded. The availability of the Photo ID to a passenger means the driver is more accountable and the passenger has safe and easy access to the driver's details, should the passenger require these for the purpose of reporting incidents or making complaints/raising concerns. I would suggest that it is good practice for photo ID to be displayed to promote and expedite the efficiency of regulatory checks and to reassure passengers that they are with a driver who is qualified and trained.
2. **Tinted windows:** It is possible that tinted windows make activity or passengers within a vehicle more challenging to discern however I am not aware of any evidence of this and to date, I have never received a complaint about tinted windows in taxis/phv or other transport vehicles. If there is a specification for what constitutes a maximum/optimum for safety tint, this should be a minimum requirement to ensure sufficient transparency. I would suggest that it is good practice for vehicles to have transparent windows and transparency may reassure some passengers if for example, they are young and unaccompanied, or have mental health or learning disabilities and their condition or vulnerability requires them to be able to get a clear sense of their surroundings.

I hope this is helpful, I have copied this in to my colleague Gillian Hallas in case she wishes to add anything from a vulnerable adults perspective.

Kind regards

Julie

**Julie Hague**

**Licensing Project Manager, Sheffield Safeguarding Children Board**

Floor 3, Howden House, Union Street, Sheffield S1 2SH

[Redacted]

[Redacted]

[Redacted]

06

Hi Mick

As you know tinted windows in Licensed vehicles causes ourselves and your staff some problems over the last few years,  
We currently have the 75% 70% rule in the policy. At the hearing for the policy the Cllrs stated that this part of the policy should be looked at and reviewed within the 1<sup>st</sup> year,

This is what we are currently undertaking – we have sent out letters to operators and trades asking for their input and we are asking you the same for some in put into the debate, I have below a copy of what was sent to operators and the questions asked, if you wish to discuss this with your team and get back to me with a response I will need that by the end of July please.,

Thanks

		Yes	No
1	Are you happy with the current window specification	✓	

C7

Additional comments:  
 STICK TO THE RULES ie DONT ALLOW 1/4 LIGHT WINDOWS TO BE TOO DARK, DONT ALLOW CARS THAT STATE THEY ONLY DO EXECUTIVE WORK TO HAVE WINDOWS TOO DARK. ALSO BAN CONTRAVISION ON HARKNEY AND PRIVATE HIRE.

		Yes	No
2	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>passengers</u> ?	✓	
Additional comments:			

		Yes	No
3	Do you think a reduction in light transmission on windows could pose a risk on the safety of <u>drivers</u> ?	✓	
Additional comments:			

4	If any, what specification on window tints would you like to see a change in?	Current	Your proposal %
	Front windscreen - minimum light transmission	75%	75%
	Front side door glass - minimum light ingress transmission	70%	70%
	Remaining glass - minimum light ingress transmission	70%	70%

5	Any further comments QUESTION FOUR, WINDSCREEN 75% AND SIDE FRONT DOOR GLASS 70%, THIS IS THE LEGAL MINIMUM.
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