

Licensing Committee

Monday 2 September 2019 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

**Please note time at 2.00 p.m. instead of
10.00 a.m.**

Membership

Councillors Andy Bainbridge (Chair), Karen McGowan (Chair), Michelle Cook, Dawn Dale, Roger Davison, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Mick Rooney and Cliff Woodcraft

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

If you require any further information please contact John Turner on 0114 273 4122 or email john.turner@sheffield.gov.uk

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING COMMITTEE AGENDA
2 SEPTEMBER 2019**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Review of Delegations of Power in relation to Private Hire Operator and Vehicle Policy Part 4: Private Hire Vehicle Specification**
Report of the Chief Licensing Officer.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

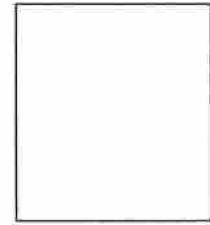
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's 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.

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SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer Head of Licensing

Date: 2nd September 2019

Subject: Review of Delegations of Power in relation to Private Hire Operator and Vehicle Policy
Part 4: Private Hire Vehicle Specification

Author of Report: Clive Stephenson

Summary: To review part of the current Private Hire Operator and Vehicle Policy and Delegations

Vehicle Specification: Electric and Hybrid Vehicles

Background Papers: Not applicable

Category of Report: OPEN

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

1.0 Purpose of the report

1.1 To review the delegations of Power with regards to Private Hire Vehicle Specification.

2.0 Background

2.1 As part of Sheffield's drive towards zero carbon and clean air, the Council's is determined to make it easy for private hire and hackney carriage vehicles to convert to electric vehicles. It's important that we make Sheffield a place that is easy to invest in by reputable companies or individuals who wish to trial or roll out new types of electric vehicles and business models.

2.2 In order to ensure we are able to remove any unintended barriers that may exist to this sort of commercial roll out and/or pilot projects, it is recommended that a delegation be made to the Chief Licensing Officer, Head of Licensing to make a decision on the suitability of a vehicle if it is fully electrically powered or electric hybrid.

2.3 The delegated powers will only be used in connection with new applications for a private hire vehicle licence where the vehicle presented for test has deficiencies under the current vehicle specifications. or in instances where market options restrict electric vehicle choice.

2.4 The Chief Licensing Officer also wishes to have delegated powers to refuse such an application – in such cases the applicant would have the right of appeal to the Magistrates Court.

2.5 Further delegation of the power to refuse an application also be granted to the Chief Licensing Officer and Head of Licensing where a vehicle is over the maximum age limit under the current specification and policy, where in the opinion of the Chief Licensing Officer, Head of Licensing the vehicle has no exceptional circumstances as to deviate from the policy.

3.0 Current Specification.

3.1 The current specification Part 3 Emission and Part 4 Vehicle Specification are attached at Appendix A

5.0 Points for consideration

5.1 Facilitating and operating trials of electric taxi vehicles will proactively encourage vehicle licensees to change to electric vehicles.

5.2 There are currently limited options of electric vehicles that meet SCC current specifications therefore options need to be expanded more widely to offer a comparative vehicle choice for drivers to trial.

5.3 Applicants (licensees) are finding it increasingly difficult to find electric vehicles that meet our existing vehicle specification that also meet the Councils new clean air criteria.

- 5.4 Where a vehicle meets the Clean Air and Zero Carbon criteria but falls short of our current vehicle specification then it would be considered by the Chief Licensing Officer and Head of Licensing as to whether or not to grant a licence to that vehicle.
- 5.5 Currently the Chief Licensing Officer and Head of Licensing cannot refuse an application and therefore any vehicle that doesn't meet the current specification has to be referred to the Licensing Sub Committee for determination.
- 5.6 Changing the delegated powers to allow the Chief Licensing Officer and Head of Licensing to determine an application for such vehicles will be a time and cost effective way of dealing with such applications.

6.0 Options

- 6.1 Take no action, leaving the delegated powers as they are.
- 6.2 Amend the delegated powers taking into consideration representations and the details in this report

Stephen Lonnia
Chief Licensing Officer & Head of Licensing Service

2nd September 2019

APPENDIX A

Current Emissions Specification
Current Vehicle Specification

Background

Sheffield is currently not adhering to UK air quality limits, including limits on Nitrogen Dioxide (NO₂) and fine particles (PM¹⁰). The Council has therefore declared an Air Quality Management Area that covers the Sheffield urban area and in 2012 an Air Quality Action Plan (AQAP) was approved.

In 2013 Sheffield's Low Emission Zone Feasibility Study confirmed that road transport is the biggest single contributor (10% - 90%) to NO₂ emissions. A reduction of up to 30% is required to help achieve the air quality standards.

Private Hire Emissions

Private hire and hackney carriage vehicles account for 5% of traffic in urban Sheffield. However, due to the relative age and emissions profile of the fleet, the result of intensive trip making and therefore engine degradation, they account for 10% of urban NOx emissions¹. By 2020 overall road traffic emissions are predicted to fall by 30%.² Emissions from private hire vehicles are however predicted to fall relatively slowly compared to other vehicle classes – by 0.5% without any intervention.

To enable tailpipe improvements to be brought forward earlier than natural private hire vehicle renewal, further interventions are required. The table below provides information on Non Ultra Low Emission Vehicles and Ultra Low Emission Vehicles (ULEV), including age, emission and testing regimes. This new criteria will allow for the licensing of private hire vehicles with significantly reduced emissions.

Private Hire Vehicles		
	Non ULEV's	ULEV's
Age and Emissions	Euro VI emission standard or less and can remain licensed up to nine years old.	Emissions of CO ₂ below 75g/km, or fully electrically powered and can remain licensed up to 11 years old.
Testing	Tested annually up to six years old; tested bi-annually over six years old.	Tested annually up to six years old; tested bi-annually over six years old.

Anti-idling

Emissions from private hire vehicles can be reduced by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly when parked

¹ Sheffield Low Emission Zone Feasibility Study , <https://www.sheffield.gov.uk/dms/scc/management/corporate-communications/documents/environment/pollution/air/Low-Emission-Zone-Feasibility-Study---Phase-2-Report/Low%20Emission%20Zone%20Feasibility%20Study%20-%20Phase%20%20Report.pdf>

² Dependent on traffic growth being at 2014 levels and engine technology delivering cleaner air

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A vehicle that wishes to be licensed as a private hire vehicle must conform to the vehicle specification. The vehicle specification sets out the exact minimum requirements that all vehicles wishing to be licensed as a private hire vehicle must adhere to.

Age Limit

Non-Ultra Low Emission Vehicles

A non-ultra-low emission private hire vehicle shall not be more than five years old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle.

Licenses will not be renewed in respect of any vehicle that has been registered (or in the case of imported vehicles, manufactured) for more than nine years.

Ultra Low Emission Vehicles

Ultra Low Emission Vehicles (ULEV's) must meet the requirement as set out in part 3. These vehicles shall not be more than five years old on the date of issue of the first private hire vehicle licence. The date of first registration (as set out on the V5C registration certificate) will be used to determine the age of the vehicle.

Licenses will not be renewed in respect of any ULEV that has been registered (or in the case of imported vehicles, manufactured) for more than 11 years.

Vehicle Suitability

All vehicles must comply in all respects to Sections 45 and 58(1) of the Road Traffic Act 1988 and the Motor Vehicle Type Approval Regulations 1984 and any subsequent amendments.

Every new vehicle offered for approval must comply in all respects with the British and European vehicle regulations. Approval types accepted are as follows:

- European Community Whole Vehicle Type Approval (ECWVTA)
- British National Type Approval (BNTA)

Vehicles that have been designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat must meet the requirements of M1 category of European Whole Type Approval 2007/46/EC as last amended by 385/2009.

Vehicles that have only obtained Individual Vehicle Approval (IVA) will not be permitted.

The vehicle should have no signs of accident damage. Additionally, vehicles that have been categorised by insurance companies as Category A, B, C or D insurance write offs will not be accepted as suitable for a licence.

Further information on vehicle approval can be found at <https://www.gov.uk/vehicle-approval/overview>

Steering

All vehicles must be right hand drive.

Wheels and Tyres

All licensed vehicles should adhere to the following in respect of wheels and tyres:

- The vehicle must be fitted with four road wheels.
- All tyres, including the spare (if supplied), must have at least 2.0mm tread depth throughout the continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- All tyres fitted must be fit for purpose and free from any defects; this means:
 - Be compatible with the types fitted to the other wheels;
 - Not have any lump, bulge or tear caused by separation or partial failure of the structure;
 - Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is greater, and which is deep enough to reach the ply or cord; and
 - Not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommendation.
- A space saver tyre must only be used in an emergency. Where a vehicle is presented for a test with a space saver fitted it will fail the test.
- Where a spare wheel is not supplied as standard by the manufacturer, the use of the manufacture's method of dealing with punctured tyres is permissible. The vehicle though must come equipped with a serviceable wheel brace and jack.

Dimensions

All licensed vehicles should adhere to the following:

Leg Room

The minimum leg room available to any passenger shall be 609mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

Head Room

The minimum internal floor to roof height in seating areas shall be 1092mm.

Ride Height

Access to the vehicle shall not be more than 460mm from ground level.

Where the top tread for the entrance exceeds 460mm and the vehicle is not fitted with approved running boards, a moveable intermediate step must be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically operated to extend outwards. When not in use and

whenever the vehicle is in motion, the step must not exceed outwards beyond the vertical line of the bodywork.

The step must be operated from within the driver's compartment and must have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

The step must be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.

Running boards will only be allowed where they are fitted by the manufacturer and where the vehicle has European Community Whole Vehicle Type Approval (ECWVTA) with running boards. All running boards must conform with construction and use regulations, meaning boards must not exceed the width of the widest part of the vehicle (mirrors are not included as part of the vehicle). The board must be a minimum five inches in width, all of which must be available as a step.

Luggage Space

The dedicated accessible luggage space shall not be less than 0.43 cubic metres. The luggage space must either be a separate lockable compartment or there must be some suitable device fitted to prevent luggage coming into contact with the passenger(s).

Doors

The vehicle must have as a minimum four doors, two to each side. They must be easily accessible to passengers without the need to move any other seat etc. to gain access to them.

An exception to this is where the vehicle has a single passenger carrying area (e.g. minibus). In this instance there must be two doors available to every passenger for egress from the vehicle. Clarification should be sought from the licensing authority or Testing Station should you propose licensing a vehicle that has fewer than four doors.

Sliding Doors

The interior door handle must be clearly visible and easily accessible to passengers when the door is in a fully open position.

There must be approved reflective strips on both the front and rear edges of the door.

There must be a sign in an approved position clearly visible from the rear of the vehicle bearing the words "door open". This must be automatically linked to the passenger doors, in order that when either door handle is activated to open the door, the sign is illuminated. The size of the sign shall be not less than 400sq cm, and shall be so positioned so as not to impair the rear vision.

Seats

The vehicle must have sufficient seating capacity to carry a minimum of four and not more than eight passengers.

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The seating capacity will be determined by the Licensing Authority and will be based upon the manufacturer's specification as stated in the V5C document, the orientation of the seating and the dimensions of the seating.

Each seat shall not be less than 406mm in width. All measurements are taken across the front of the seat cushion.

Where bench seats are provided, then the seat must provide a minimum of 406mm seating space for each passenger – the rear bench seat must not be less than 1218mm in order to accommodate three passengers.

All seats within the vehicle, front and rear, must be fitted with working seatbelts.

Fire Extinguisher

The installation of fire extinguisher is not mandatory.

However, where a fire extinguisher is installed it must:

- Be securely fitted to the vehicle within the driver's compartment where it is within easy reach of the driver and does not interfere with the safe operation of the vehicle;
- Comply with the requirements of BS EN3 1996 and have a minimum fire rating of 5a and 34b;
- Contain not less than 0.9 litres AFFF foam or 1kg dry powder and must have a seal or gauge mechanism;
- Be regularly maintained and annually inspected by a competent person. Details of the inspection must be recorded on the extinguisher;
- Display the registration number of the vehicle in which it is situated.

NB: Where a fire extinguisher has not been fitted the following should be observed:

- Always put your own and other peoples safety first; help passengers to exit the vehicle in a safe manner
- On discovering the fire, immediately raise the alarm (dial 999)

Windows

Opening windows shall be provided with mechanisms (manual or electronic), which permit the passenger adjacent to that window to open and close it.

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 60% light ingress transmission

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Anything falling outside this criteria be brought before the Committee for its consideration.

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.

Heating System

The vehicle must have an efficient heating system.

Bodywork and vehicle structure

The vehicle must have no signs of any significant accident damage which affects the safety or appearance.

The paintwork must be of a professional standard and consistent with the colour scheme of the vehicle.

All parts of the passenger compartment must be clean and free of any damage which may affect its suitability for the carriage of passengers.

The bodywork shall have no significant signs of corrosion.

Wheelchair carrying facilities

Any vehicle that has the facility for the carriage of wheelchair passengers must conform to M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA).

The vehicle will be fitted with:

- Approved anchorages for the wheelchair and wheelchair disabled person. The anchorage must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.
- The vehicle should be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

Alternative Fuel/Dual Fuel Vehicles

Vehicles that have been manufactured to operate on a particular fuel system (dual fuel, Liquid Petroleum Gas), and which have been type approved (see vehicle suitability) will be accepted.

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Vehicles that have not been manufactured to operate on a dual fuel system or Liquid Petroleum Gas systems and have been altered to allow such use will only be accepted if tested and certified by an Associated Accredited Installer. The certificate must be produced at the time of application.

Maintenance

The vehicle, once licensed, must maintain all fittings, advertisements, signs and notices to approved standards. The vehicle must be kept clean and tidy and in good working order.

Vehicles, at any time will be subject to test and inspection and should it be found that a vehicle is not being properly maintained or kept in good working order, a notice or suspension of the vehicle licence will be served on the driver or licensee prohibiting the use of the vehicle until the defects have been rectified and/or it has passed the City Council's full mechanical test.

Advertisements

The vehicle shall carry no advertisements, either printed, written or via digital media systems or any other material or notices on any part (interior or exterior) except without prior written consent from the Licensing Authority.

Entertainment and Digital Media Systems

The vehicle shall not be fitted with any additional entertainment and digital media systems without the prior written consent of the Licensing Authority.

Interior Lighting and Auxiliary Equipment

Any interior lighting and/or auxiliary equipment that is fitted to a vehicle must not impede the driver in anyway, or hinder their view, or impede, or cause hazard to any passengers/public or any other road users.

Currently licensed Vehicles

Any vehicle that is currently licensed and attends for a full mechanical test will be required to be fitted with the following:

- Interior numbers – displayed where they are clearly visible to passengers or to the public;
- Exterior licence plate. The licence plate issued by the Licensing Authority should be affixed to the rear outside of the vehicle as determined in the Private Hire Vehicle Licence Conditions. The licence plate should be securely affixed to the vehicle using the fixing plate and secured by the approved tag system.
- Front door signs, as determined in the Private Hire Vehicle Licence Conditions.
- Radio and/or data head apparatus.
 - Where a vehicle has been fitted with a two-way radio or data head system, no part of the system may be fixed in the passenger area or compartment.
 - No part of the system can be in the rear boot compartment if LPG or CNG tanks or equipment are situated therein.
 - No other radio equipment or image recording equipment shall be fitted without prior written consent from the Licensing Authority.

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