

MEETING OF THE LICENSING COMMITTEE

held 12th June 2012

PRESENT: Councillors John Robson (Chair), Jillian Creasy, Neale Gibson, Ian Saunders, Clive Skelton (Deputy Chair) and Stuart Wattam.

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1. WELCOME AND HOUSEKEEPING ARRANGEMENTS

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

2. APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from Councillors Jenny Armstrong, Nikki Bond, Geoff Smith and Philip Wood.

3. EXCLUSION OF PUBLIC AND PRESS

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

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of the Licensing Sub-Committee held on 23rd and 30th April, 2012, were approved as correct records.

5. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING

5.1 Issuing of Dual Licences Review

5.1.1 The Chief Licensing Officer submitted a report on a review of the current policy of issuing joint Hackney Carriage and Private Hire Drivers Licences. The report indicated that the Committee had a policy which determined that the Council issued joint licences that allowed applicants to drive both hackney carriage and private hire vehicles, whichever was their choice, and that the policy had last been reviewed in October, 2008. The report also contained details of the present legal position and information on how other local authorities administered their respective licences.

5.1.2 Hafeas Rehman, Sheffield Taxi Trade Association, stated that the general view of drivers was that the Authority should continue to issue joint Hackney Carriage and Private Hire Drivers Licences.

5.1.3 In response to questions from Members of, and the Solicitor to, the Committee, Clive Stephenson, Principal Licensing Officer, stated that the major benefit of having separate licences was that it would make it easier for the Council to take action in terms of illegal plying for hire. He added that there was no requirement on drivers to have two separate plates if they drove both hackney carriage and private hire vehicles as the licence

related to the person and not to the vehicle. The Solicitor to the Committee stated that the Council was generally successful in terms of Court cases relating to illegal plying for hire, mainly on the basis that if the driver was found guilty, his or her insurance would be invalidated and they would receive six points on their licence.

- 5.1.4 RESOLVED: That members of the public be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business be transacted, if those persons were present, there would be a disclosure to them of exempt information described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.1.5 The Solicitor to the Committee reported orally, giving legal advice on various aspect of the report.
- 5.1.6 At this stage in the proceedings, the meeting was re-opened to members of the public.
- 5.1.7 RESOLVED: That in the light of the information contained in the report now submitted, and the representations now made, the Committee (a) agrees that the current arrangements should remain unchanged and that dual licences continue to be issued to drivers and (b) requests that the policy be reviewed again in three years' time, or earlier should there be any changes in legislation.

5.2 Illegal Plying for Hire Policy Review

- 5.2.1 The Chief Licensing Officer submitted a report on a review of the Council's practice relating to the prosecution of suspected offenders with regard to illegal plying for hire. Clive Stephenson reported that cases of illegal plying for hire were prevalent in the city a few years ago and the Council had established a policy in order to deal with this offence, which enabled the Council to prosecute if there was sufficient evidence. There would then be a requirement for the driver to have their licence reviewed by the Licensing Sub-Committee. He added that the present policy was operating successfully, specifically when cases were taken to Court.
- 5.2.2 Hafeas Rehman, Sheffield Taxi Trade Association, reported that problems of illegal plying for hire were re-emerging in the City and that there was a growing number of private hire drivers committing such offences. He raised specific concerns with regard to drivers coming into the City from other areas and illegally plying for hire, as well as private hire drivers ranking up. He stated that this action, particularly in the present economic situation, had the potential to cause an increase in problems of confrontation between drivers. He added that he welcomed the enforcement work being undertaken by the Council in connection with this.
- 5.2.3 In response, Clive Stephenson stated that he would ensure that officers looked into the issue of private hire drivers ranking up and ensure that officers were deployed in those areas where this was occurring. He stated

that, on the basis that the Council had no powers to check the network records in other authorities, it was very difficult to prove that drivers from other areas were committing the offence of illegally plying for hire. Problems where drivers from other areas came into the City and illegally plied for hire were further complicated in that it was often difficult to distinguish between private and hackney carriage vehicles.

- 5.2.4 In response to questions from Members of the Committee, Mr. Stephenson stated that there were particular problems of illegally plying for hire at the top of Chesterfield Road, mainly involving drivers from Chesterfield and North East Derbyshire. He stated that whilst a relatively small number of drivers were involved, if enforcement action was not undertaken, the number of cases would grow. The two main private hire companies in the City - Mercury and City - fully supported the Council's policy in terms of enforcement action against illegal plying for hire. In terms of educating the public, whilst officers had carried out work in this area in the past, such as talking to students during freshers week, there were financial restraints in terms of the level of action that could be undertaken. As well as problems in Chapelton, City Road and Woodseats, the main areas in the City Centre where illegally plying for hire was prevalent was outside Embrace nightclub and on Carver Street.
- 5.2.5 RESOLVED: That members of the public 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 described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.2.6 The Solicitor to the Committee reported orally, giving legal advice on various aspects of the report.
- 5.2.7 At this stage in the proceedings, the meeting was re-opened to members of the public.
- 5.2.8 RESOLVED: That the Committee (a) confirms that:-
- (i) because of the potentially serious consequences of the offence, illegal ply for hire offenders will be prosecuted (where there is considered to be sufficient evidence to secure a conviction and it is in the public interest to do so);
 - (ii) officers must endeavour to recover the costs of prosecutions from those convicted in order to reduce the financial burden on licensed drivers who were operating within the law;
 - (iii) officers refer any current licensed drivers to the Licensing Sub-Committee at the point that there is sufficient evidence for them to submit a file for legal proceedings to be brought against that driver;

- (iv) unless there are exceptional circumstances, offenders should be expected to have any licences they hold revoked and/or any application for a licence refused;
 - (v) it deems that this offence is a matter of public safety and any revocation of a licence would be done under Section 52 of the Road Safety Act 2006, which amends Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, and means any revocation would be with immediate effect;
 - (vi) the use of officers as covert passengers be endorsed as a method of enforcement and the Chief Licensing Officer be instructed to continue conducting enforcement action against this illegal activity; and
 - (vii) a copy of this report and the resulting resolution be made available to the Courts when relevant cases are being considered; and
- (b) requests the Chief Licensing Officer to devise a programme in terms of education/publicity, making reference to the Council's policy with regard to dealing with cases of illegally plying for hire, for circulation to drivers and members of the public, with such programme to be submitted to, and endorsed by, this Committee at a future meeting.

5.3 Enforcement Review

- 5.3.1 The Chief Licensing Officer submitted a report containing details of the enforcement activity undertaken by officers of the Taxi Licensing Section with regard to private hire and taxi licensing for the period 1st November 2011 to 29th February 2012. The report contained a description of, and reasoning behind, the enforcement activity undertaken, together with statistical information in terms of vehicle enforcement and driver checks. The report also contained details of those areas of the City which gave officers concern and set out details in respect of prosecution and cautions in connection with a variety of offences.
- 5.3.2 Hafeas Rehman, Sheffield Taxi Trade Association, commended the Council for the excellent enforcement work undertaken during this period. He referred to two of the areas of concern set out in the report, indicating that there were always likely to be problems at Rudyard Road as there was no official taxi rank and that the issues on Fulwood Road were mainly as a result of students arriving at and leaving the nightclub within the Halls of Residence. In respect of the offences listed, two of which related to a failure to carry assistance dogs, he stated that in his opinion, drivers should not be able to refuse to carry assistance dogs on religious grounds.
- 5.3.3 Mohammed Yasim, Yorkshire Professional Drivers Association, stated that he would also like to commend the Council for the excellent enforcement work undertaken. He indicated that it was only a small minority of drivers who caused problems and that he would continue to work closely with the

Council in an attempt to keep the number of driver incidents to a minimum. He expressed specific concerns regarding the carrying of assistance dogs and stated that, whilst drivers should not refuse to carry such dogs, he believed that operators should warn drivers at the time of booking the job if customers had a dog on the basis that it would assist the driver and stop any potential upset for customers. He also made reference to the issues on Rudyard Road, indicating that due to the increase in double yellow lines and other road markings, drivers were finding it difficult to park in the area.

- 5.3.4 In response to questions from Members of the Committee and the representatives from the Taxi Trade Associations, Clive Stephenson stated that there was no legal requirement on taxi companies to inform drivers, when booking jobs, that customers had assistance dogs, as drivers were legally bound to pick such customers up. Also, if drivers knew that a customer had a dog with them, they may choose not to take that job and there was a potential for the fare to remain live for some time. In the light of the increase in licensed premises in the City Centre, and the consequent increase in demand for taxis, officers were working closely with the trades and improving links with the licensed premises. Officers had looked at changing the location of the taxi rank on Carver Street and were aware of the ranking problems on Castle Street. He stressed that there was a need for more consideration to be given to the movement and ranking of taxis when premises licences were granted for new premises in the City Centre. In terms of the statistics regarding vehicle enforcement, he stated that, although the figures in terms of vehicle defects appeared high, there had been a reduction in the number of defects over the last four to five years. He also stated that officers had a long checklist, which increased the potential for there to be faults with vehicles.
- 5.3.5 Mohammed Yasim stated that, whilst it was the responsibility of drivers to check their vehicles, they could not be expected to know about every single fault as it may not be obvious or visible and that this was the reason why the figures appeared high. Hafeas Rehman added that the quality of Sheffield's taxis, in general, was very good in comparison to those in other areas of the country and stated that whilst it was not acceptable for a driver to have faults with their cars, the most important thing was that the faults were rectified at the earliest possible opportunity.
- 5.3.6 RESOLVED: That members of the public 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 described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.3.7 The Solicitor to the Committee reported orally, giving legal advice on various aspects of the report.
- 5.3.8 At this stage in the proceedings, the meeting was re-opened to members of the public.

5.3.9 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted;
- (b) welcomes the partnership working between officers in the Taxi Licensing Section and the Taxi Trades Associations regarding the enforcement work undertaken in connection with the improvement in the quality of hackney carriage and private hire vehicles, as exemplified by the improvements as set out in the report; and
- (c) requests that information on proposed or enforcement action undertaken in respect of complaints of nuisance, including taxis parking on cycle lanes and other similar issues, be included as part of reports on enforcement activity submitted to future meetings of the Committee.