

MEETING OF THE LICENSING COMMITTEE

held 4th September 2012

PRESENT: Councillors Clive Skelton (Deputy Chair), Nikki Bond, Jillian Creasy, Neale Gibson, Ian Saunders, Geoff Smith, Stuart Wattam and Philip Wood.

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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 the Chair, Councillor John Robson, and from Councillors George Lindars-Hammond and Nikki Sharpe.

3. EXCLUSION OF THE PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. MINUTES OF PREVIOUS MEETINGS

5.1 The minutes of the meetings of the Licensing Committee held on 12th June and 26th July 2012, and of the meetings of the Licensing Sub-Committee held on 11th, 14th, 18th, 19th and 25th June, 2nd, 5th, 12th, 23rd, 24th, 30th and 31st July and 2nd, 7th and 9th August 2012 were approved as a correct record, and there were no matters arising.

6. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING – REVIEW AND RESPONSE TO THE LAW COMMISSION’S CONSULTATION ON PROPOSALS FOR NEW LEGISLATION ON PRIVATE HIRE AND HACKNEY CARRIAGE LAW

6.1 The Chief Licensing Officer submitted a report to consider the response to the Law Commission’s consultation on proposals for new legislation on Private Hire and Hackney Carriage Law. In attendance for this item were Clive Stephenson (Principal Licensing Officer), Marie-Claire Frankie (Solicitor to the Committee), Gill Capewell (Committee Secretary) and Hafaes Rehman (Sheffield Taxi Trade Association).

- 6.2 The aim was to formulate a response from Sheffield City Council to the questions raised by the Law Commission through its review of the current legislation and its intention to write new legislation for taxi and private hire licensing
- 6.3 The Chief Licensing Officer reported that Central Government had instructed the Law Commission to review and consult on the current legislation governing Hackney Carriage and Private Hire Licensing. Following the consultation, the Law Commission had been asked to formulate a new piece of legislation to replace the existing outdated legislation that applies to this area of licensing.
- 6.4 It was noted that the current legislation was one of the most challenged pieces of legislation, and the Local Government (Miscellaneous Provisions) Act 1976 had many times been the subject of Crown and High Court Hearings. Therefore, the opportunity to design a piece of legislation to fit the 21st Century and beyond was welcomed.
- 6.5 It was further noted that Sheffield City Council had been at the forefront in licensing and was known as a lead Authority rather than one which simply followed others. Sheffield City Council had intentionally set high standards for its licensees, and any erosion of those standards should be challenged.
- 6.6 The consultation paper was available from the Law Commission from June 2012, with many road shows and meetings with interested parties, both trade and officers, having taken place since that date.
- 6.7 Members made the following observations and suggestions upon the report;

Section 3.3- Wedding/ Funeral Cars

- 6.8 Members were keen that any additional costs incurred by any changes to wedding/ funeral vehicles were not passed to the customer, as this may have repercussions for the City Council in terms of dealing with these vehicles and licences.

Section 54.7- Limitation Policy

- 6.9 Members were supportive of a Limitation Policy, and agreed that this should be set locally. It was also noted that vehicles were worth more under a Limitation Policy. Mr. Stephenson made an observation that although Sheffield used London-style cabs as Hackney Carriages, other cities allowed normal saloon cars to be used as Hackneys. Members requested that a further paragraph be added at 54.12 to read as follows 'it was noted that a Limitation Policy was proven to work successfully in Sheffield, and the Committee wished to retain the ability to set limitations at a local level as and when required.'

Section 34- Emissions Policy

- 6.10 Members requested an additional paragraph to be added into this section under 34.3 to read as follows 'Local Councils should retain the ability to set local Emissions Policies in line with European Legislation', as they felt it was essential to reflect the importance of the locally set Emissions Policy in Sheffield. It was noted that London had already introduced their Emissions Policy to coincide with the hosting of the 2012 Olympic and Paralympic Games.

Section 40- Proposals for peak time/ zonal licences

- 6.11 Members agreed that this would be too problematic (and confusing to customers) to operate and enforce, and therefore, did not wish to pursue the idea of peak time licences or 'zoning' in Sheffield. It was noted that York had attempted to operate a peak time/ zonal system but that it had failed.

Unmet demand

- 6.12 It was clarified by Members and Mr. Rehman that there was currently no unmet demand for taxis in the City. Taxi operators were able to fulfil passengers' needs, and there was rarely a wait. The only very busy times were the four weekends leading up to Christmas, and periods immediately following large scale events at the o2 Academy or Sheffield Arena.

Section 35.1- Statutory limits

- 6.13 The final sentence of section 35.1 was to be removed as it was incomplete and unnecessary.

Section 53.4- Record Keeping

- 6.14 Currently, Hackney Carriage drivers did not have to keep any records of jobs done and fares taken. Members were keen that Hackney drivers kept a diary of who they picked up, where, at what time, and what the fare was. This did not have to include passengers' personal details. It was felt this would assist all round in dealing with complaints from passengers, locating lost property and protecting drivers' safety. It was noted that most meters already installed in Hackneys had the ability to keep a log of jobs done. If a log was to be kept, there needed to be regular inspection of this and some form of punishment if logs were not kept up to date. This would have to form part of the conditions of a licence if conditions were allowed by new legislation.

Pre-booking of taxis

- 6.15 It was noted that, at present, there was no definition as to what constituted 'pre-booking' a taxi. This could currently be five minutes before a journey, or a week before, and this would need defining before any new arrangements around pre-booked fares could be made.

6.16 **RESOLVED:** That the Committee notes the contents of the report now submitted, and agrees to make the following changes to the response:

(a) a further paragraph be added at 54.12 to read as follows 'it was noted that a Limitation Policy was proven to work successfully in Sheffield, and the Committee wished to retain the ability to set limitations at a local level as and when required';

(b) an additional paragraph to be added into Section 34 under 34.3 to read as follows 'Local Councils should retain the ability to set local Emissions Policies in line with European Legislation', as Members felt it was essential to reflect the importance of the locally set Emissions Policy in Sheffield, and

(c) the final sentence of section 35.1 to be removed as it was deemed unnecessary.