

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 25 October 2012

PRESENT: Councillors John Robson (Chair), Nikki Bond, Jillian Creasy, Neale Gibson, George Lindars-Hammond, Nikki Sharpe, Clive Skelton (Deputy Chair), Geoff Smith, Stuart Wattam and Philip Wood

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Vickie Priestley and Ian Saunders.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of the Licensing Committee held on 4th September 2012, and of the meetings of the Licensing Sub-Committee held on 13th, 16th, 20th, 21st and 23rd August and 6th September 2012, were approved as correct records.

5. IMAGE RECORDING EQUIPMENT (CCTV) IN LICENSED VEHICLES

5.1 The Chief Licensing Officer submitted a report on a review of the policy and specification of image recording equipment (CCTV) in licensed vehicles. The former Licensing Board, at its meeting held on 23rd May 2003, had agreed a policy and specification to allow licensees to install image recording equipment in their licensed vehicles and a copy of the agreed specification was attached at Appendix 'A' to the report submitted at this meeting. The policy and specification was further reviewed at a meeting of the former Licensing Board on 17th April 2007, and whilst the issue of a mandatory policy was discussed at this meeting, the Board made no changes to the policy.

5.2 Dermott Griffiths, Mercury Taxis, stated that the main concerns of private hire drivers related to the costs of purchasing the equipment and the ongoing maintenance. He stated that although private hire drivers tended

to experience less incidents, particularly “run-offs”, as passengers were often sat next to the driver, and that the companies maintained records of passengers’ names and trip details, drivers would like image recording equipment in their vehicles, but could not justify it due to the costs. There were also questions as to whether such equipment was efficient enough to act as a deterrent, as well as concerns that such equipment could be used to implicate drivers in particular circumstances.

- 5.3 Ian Trew, VerifEye, manufacturer of the system currently being operated in Southampton, stated that image recording equipment provided protection for both the driver and passenger. He reported on the various different systems available on the market, referring specifically to the automatic system, which stops both the driver and passenger being able to turn the system off. He stated that whilst systems having both an audio and visual facility could prove very useful in cases of alleged sexual assaults in vehicles, there were privacy issues for the drivers, particularly when private hire drivers were using their vehicles for personal use, and that he believed the audio system should only be operated by pressing a panic button. He added that technology had moved on considerably and there were now systems available which produced very high quality, colour images. He referred to a recent pilot scheme undertaken in Doncaster, whereby a sample of taxis drivers were monitored during two periods of similar time, one where there was no recording equipment in their vehicles and the other where such equipment had been installed. The period where equipment had been installed showed a drop in the rate of incidents of 83%.
- 5.4 Hafeas Rehman, Sheffield Taxi Trades Association, stated that whilst drivers accepted that the use of image recording equipment in Hackney Carriages would prove beneficial to both drivers and passengers, both as acting as a deterrent and for providing evidence following incidents, they were not in favour of such equipment being mandatory. He stated that whilst the Association would continue to encourage drivers to install equipment if they could afford it, the main objections to any mandatory policy would be due to the cost, particularly in the present economic climate. He also made reference to the effectiveness of such equipment, specifically to incidents he was aware of whereby Police had been provided with images of incidents, but had still not been able to identify perpetrators.
- 5.5 In response to questions from Members of the Committee, Clive Stephenson, Principal Licensing Officer, confirmed that the pilot scheme funded by Sheffield ‘Safer Communities’, and led by Andy Christian and Shahbaz Ramzan, Safer Neighbourhood Officers, had resulted in a significant reduction in offences and ‘run-offs’. The legal challenge by Southampton City Council against the decision of the Information Commissioner, who had deemed that Southampton’s policy regarding the mandatory use of CCTV equipment in licensed vehicles to be a breach of the Data Protection Protocols and intrusive into the private lives of not only the drivers, but also the travelling public in those vehicles, related only to

audio recordings. If the Council adopted a mandatory policy in terms of CCTV, drivers would be able to reclaim the taxable amount in terms of the purchase of equipment.

5.6 Members stated that in connection with any determination to implement a mandatory policy in terms of the requirement of drivers to install image recording equipment in licensed vehicles, the Council needed to concentrate solely on passenger safety.

5.7 RESOLVED: That the public and press and attendees 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.

5.8 The Solicitor to the Committee reported orally, giving legal advice on various aspects of the report.

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

5.10 RESOLVED: That the Committee:-

(a) notes the contents of the report now submitted, the representations now made and the responses to the questions raised;

(b) defers making any decision pending (i) investigations into (A) the technical specifications of the various image recording systems available and (B) how the system has been operating in those local authority areas who had adopted mandatory policies, and (ii) the seeking of the views of South Yorkshire Police, and a report back on all these issues to a future meeting of the Committee; and

(c) requests that the report on the pilot scheme funded by Sheffield 'Safer Communities' be circulated to all Members of this Committee.

6. REVIEW OF FREQUENCY OF MECHANICAL COMPLIANCE TESTS FOR LICENSED VEHICLES

6.1 The Chief Licensing Officer submitted a report on a review of the current policy determining the number of times licensed vehicles were required to be tested at the expense of the licensee. The report contained details of the current and legal positions in terms of the frequency of licensed vehicle testing and statistical information following a review of testing findings and the ages of current licensed vehicles in the City.

6.2 Hafeas Rehman, Sheffield Taxi Trades Association, made representations, indicating that the Association was continuing to encourage Hackney Carriage drivers to ensure they used reputable garages when requiring

work to their vehicles.

- 6.3 RESOLVED: That the public and press and attendees 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.
- 6.4 The Solicitor to the Committee reported orally, giving legal advice on various aspects of the report.
- 6.5 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.6 RESOLVED: That the Committee:-
- (a) notes the contents of the report now submitted, together with the representations now made;
 - (b) agrees that no changes should be made to the current policy regarding the testing frequency of licensed vehicles; and
 - (c) requests the Chief Licensing Officer to submit a report to a meeting of the Committee in 12 months' time, containing a further review of the policy and setting out details of a review of testing findings from October 2012 to August 2013, as compared to the same period in 2011/12, as set out in the report now submitted.

7. SOUTH YORKSHIRE ACT 1980 SECTION 52 - SECOND HAND DEALERS REGISTRATION - PROPOSED FEE

- 7.1 The Chief Licensing Officer submitted a report containing proposals on the implementation of a nominal fee for the registration of second hand dealers. The report indicated that the responsibility for the registration of second hand dealers had recently transferred from Trading Standards to the Licensing Service and the proposed fee would ensure that any reasonable costs of administering and enforcing the registration scheme were recovered.
- 7.2 In response to questions from Members of the Committee, Steve Lonnia stated that, whilst the proposed fee of £15 would not adequately cover the administration and enforcement of the system, on the basis that there had not been such a fee before, this had been deemed to be a reasonable amount and would be reviewed annually. The fee had been calculated based on a rough estimate of the time spent on dealing with each registration, based on the hourly rate of the officers dealing with such applications. In terms of the proposed enforcement work, it was planned that, subject to resources being available, officers would visit the dealers to check they had registered.

7.3 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the responses to the questions raised; and
- (b) authorises the Chief Licensing Officer to implement the new registration fee for second hand dealers, along the lines detailed in the report now submitted.

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING POLICY CONSULTATION

8.1 The Chief Licensing Officer submitted a report notifying and consulting with Members of the Committee on the draft Street Trading Policy, new draft application forms for the various street trading activities and proposed new fees on certain applications.

8.2 In response to questions from Members of the Committee, Steve Lonnia, Chief Licensing Officer, stated that the Council had the powers to prosecute the pedlars currently operating on Fargate on the grounds that they were operating as street traders without a Street Trading Consent. However, such prosecutions were often costly and resource-intensive. The Licensing Service had no powers to take any action in conjunction with the Sky TV van on Fargate as permission for this had been granted by the City Centre Management Team.

8.3 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the responses to the questions raised;
- (b) authorises the establishment of a small Working Party, comprising the Deputy Chair of the Committee (Councillor Clive Skelton) and Councillor Neale Gibson, Richard Eyre (City Centre Manager) and Lucy Bond (Development Services), to review the street trading operations in the City Centre and to report back to the Committee on its findings; and
- (c) requests the Chief Licensing Officer to (i) review the issues now raised relating to Ice Cream Mobile Street Trading, specifically the proximity of the ice cream vans to schools, and to report back thereon to a future meeting of the Committee and (ii) investigate the possibility of introducing a qualitative criteria in respect of the market stalls on The Moor, and report back thereon to the Committee's next meeting on 8th November 2012.

9. LICENSING COMMITTEE - TERMS OF REFERENCE AND OFFICER DELEGATIONS

- 9.1 The Chief Licensing Officer submitted a report setting out the updated Terms of Reference for the Licensing Committee and the current Scheme of Officer Delegations. The report indicated that the Council, at its meeting held on 5th September, 2012, had adopted some minor changes to Part 3 of the Council Constitution with regard to responsibility for functions, specifically relating to Pavement Café Licences (Local Government (Miscellaneous Provisions) Act 1982 and the Highways Act 1980, Poisons (Poisons Act 1972) and Second Hand Dealers (South Yorkshire Act 1980).
- 9.2 The Committee noted the contents of the report now submitted.