

# **Licensing Committee**

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**Tuesday 29 January 2013 at 10.00 am**

**To be held at at the Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors John Robson (Chair), David Barker, Nikki Bond, Jillian Creasy, Neale Gibson, George Lindars-Hammond, Vickie Priestley, Ian Saunders, Nikki Sharpe, Clive Skelton (Deputy Chair), Geoff Smith, Stuart Wattam and Philip Wood

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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.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

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, or you can ring on telephone no. 2734552.

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

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 Harry Clarke on 0114 273 6183 or email [harry.clarke@sheffield.gov.uk](mailto:harry.clarke@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  
29 JANUARY 2013**

**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:-  
  
16 October 2012  
18 October 2012  
22 October 2012  
25 October 2012  
30 October 2012  
5 November 2012  
8 November 2012  
12 November 2012  
19 November 2012  
20 November 2012  
26 November 2012  
29 November 2012  
3 December 2012  
4 December 2012  
6 December 2012
- 6. Private Hire and Hackney Carriage Licensing - Hackney Carriages Fares Review (Determination of Fares)**  
Report of the Chief Licensing Officer
- 7. Government Consultation - Delivering the Government's Policies to Cut Alcohol Fuelled Crime and Anti-Social Behaviour**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

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.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

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.

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 DPs 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, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

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 Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email [lynne.bird@sheffield.gov.uk](mailto:lynne.bird@sheffield.gov.uk)

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Licensing Sub-Committee

Meeting held 16 October 2012

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Neale Gibson and George Lindars-Hammond

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Chair (Councillor John Robson) and Councillor Geoff Smith attended the meeting as a reserve Member, but was not required to stay.

**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. SECTION 13 - CRIMINAL JUSTICE AND POLICE ACT 2001 - WOODHOUSE DESIGNATED PUBLIC PLACE ORDER - REVIEW**

4.1 The Chief Licensing Officer and Head of Licensing submitted a report (a) containing details of a review of the Woodhouse Designated Public Place Order (DPPO) which had been implemented in respect of the area known as Market Square, Woodhouse, following approval at a meeting of the Licensing Committee held on 8<sup>th</sup> February, 2011 and (b) on a request by the Sheffield South East Safer Neighbourhood Area (SNA) for the extension of the DPPO into Tannery Park in Woodhouse.

4.2 Present at the meeting were Inspector Jason Booth (Sheffield South East SNA), Richard Oxley (South East Community Assembly Safer Neighbourhood Officer), Councillor Ray Satur (Councillor for the Woodhouse Ward and Chair of the South East Community Assembly), Tracey Ford (Sheffield Drug and Alcohol Action Team), Howard Constable (Woodhouse Forum), Alan Charlesworth (Woodhouse Tenants' and Residents' Association and Friends of Tannery Park), Graham Postello (Woodhouse Community Forum and Badger Neighbourhood Watch), Claire Bower (Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Claire Bower presented the report to the Sub-Committee.

4.4 Inspector Jason Booth gave a presentation on the review of the Woodhouse DPPO, which had commenced on 1<sup>st</sup> April, 2011. He reported on the need for a DPPO in Woodhouse and provided an analysis in terms of why South Yorkshire

Police had applied for the implementation of the Order initially, indicating that within the DPPO, Market Square had the greatest concentration of all alcohol-related anti-social behaviour (ASB). Incidents of ASB across the proposed DPPO area had increased despite significant falls in ASB across the City, ASB within the proposed Order area exceeded both 2007 and 2008 totals for the first 10 months of 2010 and alcohol was a factor in almost 25% of all incidents.

- 4.5 Inspector Booth reported on the action taken to respond to the problems in the Woodhouse area following the implementation of the Order, which had included taking a totally integrated partnership approach, undertaking consultation with the local community and involving local community groups, the South East Community Assembly, local Ward Councillors, the local Member of Parliament and local businesses and local licensed premises. He made specific reference to the involvement of the Drug and Alcohol Action Team (DAAT), whose excellent work in the area had complemented the work of the other partners in dealing with the issues as part of the Order.
- 4.6 Tracey Ford, DAAT, reported briefly on the role of the Team in supporting the Order, referring to targeted work, which included carrying out substance sessions with local GPs, partnership working with St. Anne's Hostel and undertaking monitoring work and providing advice as part of a dedicated Partnership Substance Misuse Group.
- 4.7 Inspector Booth reported on the assessment and evaluation of the Order, indicating that since its implementation on 1<sup>st</sup> April, 2011, the Police had used powers under the Order a total of 55 times (49 occasions in 2011 and six occasions in 2012), leaflets had been produced signposting drinkers and drug users into support and any incidents of displacement had been monitored. In terms of displacement, he referred to specific problems in Tannery Park, where there had been 18 incidents during the past 12 months, with eight incidents being alcohol-related. The consultation carried out with residents and local businesses in September 2011 had indicated that 70% of residents and 88% of local businesses had noticed a reduction in street drinking, 72% of residents and 100% of businesses considered the problem to be with the over 18s and 98% of residents and 100% of businesses were in support of the continuation of the Order. In terms of the consultation undertaken in September 2012, all 32 of the businesses consulted indicated that they would support the continuation of the Order, 27 local businesses had noticed a difference in street drinking/alcohol-related ASB in Woodhouse and 14 businesses had experienced an improvement in trading since the Order had come into force. In addition to this, two new businesses had opened up since the Order had been implemented, and continued to trade successfully. Inspector Booth added that the continuation of the Order was supported by the three Woodhouse Ward Councillors, the Woodhouse and District Community Forum, Badger Tenants' and Residents' Association and the Friends of Tannery Park.
- 4.8 In terms of the next steps, Inspector Booth stated that the Police and partner agencies would build on the excellent work undertaken during the first 18 months of the operation of the Order, ensure effective policing of the zone, continue the effective partnership working with the partner agencies and the local community,

continue to maintain the planters in Market Square in order to make the area look attractive, continue supporting and working with St. Anne's Hostel, continue with the ongoing monitoring work in terms of the effectiveness of the Order and, subject to the decision of the Sub-Committee, commence planning in connection with the proposal to extend the Order to Tannery Park.

- 4.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Inspector Booth stated that he did not anticipate any further displacement in terms of street drinking if the Order was extended to include Tannery Park as the Park was very close to the centre of Woodhouse and people were not likely to travel any further to find somewhere to drink. It was added that, despite the existence of the Order, people would still drink in public places, but more and more drinkers were being forced away from the centre of Woodhouse, thereby reducing the level of effect on the public. The Police had not carried out any arrests for non-compliance with the Order since it was implemented, although some arrests had been made for other public order offences. The vast majority of people had handed their drink over when they had been asked to by the Police and, whilst there had been particular problems with two individuals in the area, following assistance from partner agencies, these problems had subsided. The Police had dealt with eight alcohol-related incidents in Tannery Park during the last few months, mainly during the Summer. The Police, residents and local community groups, particularly the Friends of Tannery Park, had requested the extension of the Order to include Tannery Park. The offenders dealt with by the Police in Tannery Park were mainly people who were new to the area, and not necessarily known to the Police. Inspector Booth had met with the GP consortia to discuss the issue and affects of alcohol consumption in the area, and had been involved in the work of the South East Community Assembly Partner Panel in connection with health issues in the area. He expected the excellent partnership work with all the various agencies, including the GP consortia, to grow if the extension to the Order was granted. The residents of Tannery flats had been consulted through the Woodhouse Tenants' and Residents' Association, as part of the first review of the implementation of the Order, and had been very supportive of the Order. It was accepted that there was a need to consult with those residents living beyond Tannery Park if approval was given for such consultation on the proposed extension to the Order at this meeting. If the extension to the Order was granted, the Police did not envisage any further displacements as it was not likely that people would drink anywhere other than in the Park.
- 4.10 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 described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.11 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the request.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.13 RESOLVED: That the Sub-Committee:-

- (a) notes the information now reported, as part of the presentation, on the review of the Woodhouse Designated Public Place Order, which had been implemented with effect from 1<sup>st</sup> April, 2011;
- (b) approves the continuation of the Order and requests that a further review on the operation of the Order be undertaken in three years' time;
- (c) agrees that consultation be undertaken with relevant individuals, groups and organisations on the extension of the Order into Tannery Park, as requested; and
- (d) requests that the costs of undertaking the consultation in respect of the extension of the Order be shared by the South East Community Assembly and the Sheffield South East Safer Neighbourhood Area.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 18 October 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Vickie Priestley and Ian Saunders

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence from Members of the Committee.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the main item of business to be considered (agenda item 5), 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 on agenda items.

**4. LICENSING ACT 2003 - LONDON ROAD CLUB - DESIGNATED PREMISES SUPERVISOR VARIATION**

4.1 The Sub-Committee received a report of the Chief Licensing Officer to consider an application to vary the Designated Premises Supervisor (DPS) under the Licensing Act 2003, at the premises known as the London Road Club, Turkuaz Bar and Grill, 178-184 London Road, Sheffield, S2 4LT.

4.2 In attendance for this item were Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Gillian Capewell (Committee Secretary), Benita Mumby (South Yorkshire Police), Mr. Huseyin Esendemir (applicant) and Louise Allen (friend of applicant).

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 The Licensing Officer presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police, and were attached at Appendix 'C' to the report.

- 4.5 Ms. Mumby outlined the circumstances surrounding the applicant's criminal convictions, and Members sought clarification on several issues.
- 4.6 Mr. Esendemir then provided some background information about the convictions and the circumstances under which they had occurred, and Members asked questions of him.
- 4.7 **RESOLVED:** That the 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.
- 4.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 **RESOLVED:** That the Committee rejects the application to vary the Designated Premises Supervisor at the venue known as the London Road Club, Turkuaz Bar and Grill, 178-184 London Road, Sheffield, S2 4LT, on the grounds of the convictions for violent crime now reported.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 22 October 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), David Barker and Nikki Sharpe

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence received from Members of the Committee. Councillor Philip Wood attended as 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 the main items of business to be considered (agenda items 5 and 6), 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 on agenda items.

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

4.1 The Chief Licensing Officer submitted details in respect of one case relating to Hackney Carriage and Private Hire Licensing. The applicant did not attend the hearing.

4.2 **RESOLVED:** That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
67/12	Application for a Private Hire and Hackney Carriage Driver's Licence	Defer the hearing of the application until a later date to be determined by the Chief Licensing Officer, in conjunction with the applicant, in light of a deferral request now received from the applicant.

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING ASSISTANT APPLICATION**

5.1 The Chief Licensing Officer submitted details in respect of one application relating to the grant of a Street Trading Assistant licence. The applicant attended the hearing and addressed the Sub-Committee.

5.2 **RESOLVED:** That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
82/12	Application for a Street Trading Assistant licence	Grant the Street Trading Assistant licence on the grounds of the evidence now heard.



# 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 4<sup>th</sup> September 2012, and of the meetings of the Licensing Sub-Committee held on 13<sup>th</sup>, 16<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup> and 23<sup>rd</sup> August and 6<sup>th</sup> 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 23<sup>rd</sup> 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 17<sup>th</sup> 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 8<sup>th</sup> 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 5<sup>th</sup> 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.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 30 October 2012**

**PRESENT:** Councillors John Robson (Chair), Nikki Sharpe and Philip Wood

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**1. APOLOGIES FOR ABSENCE**

- 1.1 There were no apologies for absence received. Councillor Nikki Bond did not attend the meeting, as a reserve Member, on the advice of the Chair.

**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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT SITE - HILLSBOROUGH PARK**

- 4.1 The Chief Licensing Officer submitted a report to consider the revocation of a Street Trading Consent held by Mr Mark Kempton, in respect of the consent to trade in Hillsborough Park (Ref No. 81/12).
- 4.2 Present at the meeting were Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). Mr Kempton was invited, but did not attend the meeting.
- 4.3 Andy Ruston presented the report to the Sub-Committee.
- 4.4 **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.
- 4.5 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the case.
- 4.6 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.7 **RESOLVED:** That on the grounds that Mr Kempton has neglected to

pay fees due to the Council for it, or charges due to them for services rendered by them, to him, in his capacity as licence-holder, the Street Trading Consent held by Mr. Mark Kempton, in respect of Hillsborough Park (Ref No. 81/12) be revoked.



**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 5 November 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Nikki Bond, Geoff Smith and Clive Skelton

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Chair (Councillor John Robson) and Councillor Nikki Sharpe 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 agenda 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 and Head of Licensing submitted details in respect of two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 68/12 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 69/12 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
68/12	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18

month licence, subject to there being no offences or convictions reported.

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|-------|--|--|
| 69/12 | Application for a first Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no offences or convictions reported and (b) the applicant be given a verbal warning as to his future conduct. |
|-------|--|--|

(At this stage in the proceedings the public and press were re-admitted to the meeting.)

**5. LICENSING ACT 2003 - ASDA SUPERMARKET, MANOR TOP SHOPPING CENTRE, 978 CITY ROAD, SHEFFIELD S12 2AB**

- 5.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Asda Supermarket, Manor Top Shopping Centre, 978 City Road, Sheffield, S12 2AB.
- 5.2 Present at the meeting were Clare Johnson (Solicitor, representing the Applicants), Jonny Wilkinson (Deputy Store Manager, Asda Supermarket, Manor Top), Dianne Blythe-Brown (Objector), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that a representation had been received from a local resident and was attached at Appendix 'C' to the report.
- 5.5 Mrs Blythe-Brown stated that residents had experienced problems since the supermarket opened, mainly relating to noise nuisance, litter and problems with youths congregating in the car park and bin storage area. She also made reference to the dangers being caused to pedestrians and drivers by the movements of delivery lorries to the store. She stated that the residents were concerned that an extension in the opening hours of the store would cause problems later into the night and further affect the residents' quality of life.
- 5.6 In response to questions from Members of the Sub-Committee, Mrs Blythe-Brown stated that the youths generally started congregating in the car park and bin

storage area from 20:00 hours onwards. She accepted that this was sometimes after the store had closed and therefore, Asda could not be held liable for their behaviour. She confirmed that she was representing approximately 13 households in the surrounding area at this hearing, with the occupants being of varying ages. She stated that she was aware that, prior to today's hearing, the store could remain open until 23:00 hours, Monday to Sunday.

- 5.7 Clare Johnson confirmed that the store's present opening hours were 08:00 hours to 23:00 hours and that the application being made related to the extension of the opening hours by only one hour. Although there had been no reference to problems caused by the sale of alcohol at the store by the objector, Ms Johnson stated that Asda had considerable experience in dealing with the sale of alcohol from its stores and had not experienced any problems in the past in terms of the sale of alcohol. She confirmed that Asda had been the first supermarket in the country to adopt the Challenge 25 scheme, and the Company regularly employed mystery shoppers to visit its stores to ensure that the scheme was being operated properly. She made reference to the fact that representations to the application had not been received from any of the responsible authorities, meaning that there were no concerns regarding crime and disorder, health and safety or under-age drinking. Ms Johnson confirmed that there would be no changes in terms of delivery times as these were restricted by a planning condition. She referred to the possibility of the delivery area being relocated sometime in the future, which would reduce any inconvenience caused to local residents. In terms of litter, Asda employed a cleaner who would clear up any litter within the immediate vicinity of the store on a daily basis. The Deputy Store Manager indicated that he was surprised to hear about problems being caused by youths congregating in the car park and bin storage area and Ms Johnson referred to the Territorial Army meeting room opposite the store, indicating that any noise and disturbance could be caused by young people arriving and leaving this venue. Ms Johnson concluded by stating that Asda were very sympathetic to the concerns raised by the objector, but indicated that the store was an asset to the local community and the proposed increase in opening hours would result in an increase in jobs for local people.
- 5.8 In response to questions from Members of the Sub-Committee, Ms Johnson stated that if the application to extend the opening hours was granted, whilst the store may not stay open until 00:00 hours Monday to Sunday, this would give the Company the flexibility to open until this time if required. Problems caused by youths congregating in the car park and the bin storage area had not been identified as a concern to management of the store. The Deputy Store Manager stated that the fact that a number of wooden pallets had been left out and had recently been thrown around by young people was an error on the part of the store, and apologised for this, indicating that the pallets were usually locked in a secure shelter.
- 5.9 **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.

- 5.10 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 RESOLVED: That the Sub-Committee agrees to grant the variation to the Premises Licence in respect of Asda Supermarket, Manor Top Shopping Centre, 978 City Road, Sheffield, S12 2AB, along the lines now requested.

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

**SHEFFIELD CITY COUNCIL**

**Licensing Committee**

**Meeting held 8 November 2012**

**PRESENT:** Councillors John Robson (Chair), Nikki Bond, Jillian Creasy, George Lindars-Hammond, Ian Saunders, Clive Skelton (Deputy Chair), Stuart Wattam and Philip Wood

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**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Neale Gibson, Vickie Priestley, Nikki Sharpe and Geoff Smith.

**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 upon agenda items.

**4. MINUTES OF PREVIOUS MEETINGS**

4.1 The minutes of the meetings of the Licensing Sub-Committee held on 10<sup>th</sup>, 13<sup>th</sup>, 17<sup>th</sup> and 25<sup>th</sup> September 2012 and 2<sup>nd</sup> and 4<sup>th</sup> October 2012 were approved as correct records.

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING POLICY APPROVAL**

5.1 The Committee received a report of the Chief Licensing Officer regarding the approval of a revised Street Trading Policy.

5.2 Shimla Rani, Principal Licensing Officer, informed Members that the revised Policy would make amendments to fees and forms, as well as the procedures and protocols around the consultation process when a Street Trading Consent was applied for, in order to simplify the current process, which had become very complicated.

5.3 In attendance for this item was Martin Judge, a local street trading consent holder.

5.4 Mr. Judge commented that he felt there was not enough support from the Licensing Authority in attending football matches in order to prosecute unlicensed traders. Ms. Rani replied that Licensing Officers did attend matches on a rota system and that all reports of unlicensed

traders were investigated fully. She added that there was other enforcement which needed doing across the City, which was why not every match could always be attended by Officers.

- 5.5 Mr. Judge went on to explain that unlicensed traders often arrived very early to reserve certain key trading pitches at football games, and there was no-one available for legitimate traders to report this to in time for the match.
- 5.6 In terms of the fees charged to process consents, Ms. Rani explained that the Council only charged enough to cover costs; it was not a profit making business. It was confirmed that for each event a street trading consent was applied for, there were a series of steps and checks with various authorities which had to be undertaken by the Licensing Authority.
- 5.7 Mr. Judge stated that it was often difficult to obtain 28 days clear notice for a one day event, as he might not find out about an event with that much notice, and Ms. Rani confirmed that there was some flexibility in the system, although this could not be guaranteed.
- 5.8 **RESOLVED:** That the alterations to the Street Trading Policy, forms and fees contained within the report now submitted be accepted with the following additions:-

(a) the Licensing Authority gives a commitment that all one day consents will be determined within a maximum of 28 days; and

(b) an 800 metre radius on plans for fixed positioned (Static Street Trading) applications, instead of a one mile radius, be enforced.

## **6. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - HACKNEY CARRIAGE FARES REVIEW (DETERMINATION OF FEES)**

- 6.1 The Committee received a report of the Chief Licensing Officer reviewing the fare structure and tariffs for Hackney Carriages licensed by the Council.
- 6.2 In attendance were two representatives from the Sheffield Taxi Trade Association (STTA).
- 6.3 Hafaes Rehman, STTA, stated that he felt fares should be increased to reflect rising costs of tax, fuel and insurance. Members stated that other professions too had suffered the knock-on effects of the rise of living costs, but had received pay freezes. Members wished to see more documented evidence of the rising costs of insurance and other costs for taxi drivers before making a decision, and it was agreed that the STTA would provide this prior to the next Committee meeting. It was noted that Sheffield was already 13<sup>th</sup> highest in terms of Hackney

Carriage fares out of 81 Northern towns and cities.

- 6.4 **RESOLVED:** That a decision on the fares for Hackney Carriages be deferred to the Licensing Committee meeting to be held in January 2013, and the Taxi Trades be requested to provide documentary written evidence of overall running costs to drivers and mile by mile costs of running a licensed Hackney Carriage, including details regarding insurance, fuel, road tax and licence fee costs, for consideration at that meeting.

**7. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - TAXI ENFORCEMENT REVIEW**

- 7.1 The Committee received a report of the Chief Licensing Officer outlining the enforcement activity undertaken in relation to private hire and taxi licensing for the period 1<sup>st</sup> March to 31<sup>st</sup> August, 2012.

- 7.2 In attendance were two representatives from the Sheffield Taxi Trades Association (STTA).

- 7.3 Several problems were discussed, such as the lack of places for taxis to rank in the city centre, and the subsequent problems this caused. There were particular problems noted around Castle Street and Carver Street. There seemed to be a few selfish drivers ruining it for the majority.

- 7.4 It was noted that the Chair of the Licensing Committee would be undertaking some shadowing work on enforcement duties in January 2013 with Licensing Officers.

- 7.5 Members were concerned about the time and cost effectiveness of taxi enforcement work undertaken at East Midlands Airport.

- 7.6 It was noted that many decisions made by the Licensing Sub-Committee with regard to the issuing of taxi licences had been overturned by the Magistrates Court, and it was agreed that further joint training was required with Magistrates and Members to ensure that a clear direction was taken with regard to the suitability of taxi drivers in Sheffield.

- 7.7 Members were concerned that since the Licensing Service had been internally restructured, there was less taxi enforcement taking place. Members wished there to be at least one dedicated taxi enforcement session per week, with external enforcement activities to be reduced.

- 7.8 **RESOLVED:** That (a) the contents of the report now submitted and the comments now made be noted; and

(b) the Chief Licensing Officer be requested to ensure that at least one dedicated taxi enforcement session is carried out per week, with

requests to attend specific enforcement exercises, such as airports, being considered on a case by case basis and to ensure that any attendance at these locations has no detrimental effect on the delivery of local enforcement.



**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 12 November 2012**

**PRESENT:** Councillors John Robson (Chair), George Lindars-Hammond and Neale Gibson

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence received. Councillors Nikki Bond and Geoff Smith attended the meeting as reserve Members, but were 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 agenda 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. 70/12 attended the hearing with his brother and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 71/12 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 72/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
70/12	Application for a Private Hire Operator's Licence	Defer a decision on the application in the light of the challenge by the applicant with regard to his Criminal Records Bureau (CRB) check, and arrangements be made for the application to be considered as soon as

is practicable, after confirmation has been received from the applicant as to the outcome of his CRB check.

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| 71/12 | Application for a first Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the shorter term of six months in view of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a nine month licence and, on the second renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further offences or convictions reported and (b) the applicant be given a written warning as to his future conduct. |
| 72/12 | Review of a Private Hire and Hackney Carriage Driver's Licence             | Revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Traffic Act 2006 on the basis of the offences and convictions now reported, the fact that the applicant's full driving licence has been revoked and the responses to the questions now raised, particularly in relation to a breach of the licence condition and that, in the interests of public safety, the revocation should be with immediate effect.    |

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 19 November 2012**

**PRESENT:** Councillors Clive Skelton (Chair), Neale Gibson and Philip Wood

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor John Robson. Councillor Geoff Smith 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 agenda 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. 73/12 attended the hearing with two representatives and they all addressed the Sub-Committee.

4.3 The applicant in Case No. 74/12 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 75/12 attended the hearing and addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
73/12	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of three months and, on the first renewal, authority be given to grant the applicant a six month licence and, on the second renewal, a nine month licence and, on the third renewal, a 12

month licence and on any subsequent renewal, an 18 month licence subject to there being no further cause for concern; (b) the applicant be given a written warning as to his future conduct; and (c) the applicant be required to submit to the Licensing Section, a negative drugs test prior to collecting his licence.

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|-------|--|---|
| 74/12 | Application for a first Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the shorter term of six months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern, and (b) the applicant be given a written warning as to his future conduct. |
| 75/12 | Application for a first Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern and (b) the applicant be given a verbal warning as to his future conduct.   |

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 20 November 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Ian Saunders and Stuart Wattam

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Chair (Councillor John Robson).

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on agenda 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. LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982 - STREET TRADING - CITY CENTRE SMALL TRADING STALLS**

4.1 The Chief Licensing Officer submitted to consider an application for a Street Trading Consent for a small trading stall in a specific location in the City Centre.

4.2 RESOLVED: That consideration of the application (Ref – 87/12), be deferred to a date not exceeding 21 days from this date on the grounds that the applicant did not attend the meeting, and thereby give the applicant a further opportunity to attend and present his case.

(At this stage in the proceedings, the public and press were re-admitted to the meeting.)

**5. LICENSING ACT 2003 - PARADISE, EFFINGHAM STREET, SHEFFIELD S4 7YP**

5.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Paradise, Effingham Street, Sheffield, S4 7YP.

5.2 Andy Ruston presented the report to the Sub-Committee and indicated that the applicants had supplied further plans in relation to the first floor of the premises, which had not been included in the original application and therefore, the responsible authorities required time to inspect such plans.

- 5.3 RESOLVED: That consideration of the application be deferred on the grounds that (a) the applicant did not attend the meeting and (b) the responsible authorities required time to inspect the plans in relation to the first floor of the premises, and arrangements be made for the application to be considered at the meeting of this Sub-Committee to be held on 6<sup>th</sup> December 2012.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 26 November 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), George Lindars-Hammond and Geoff Smith

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Chair (Councillor John Robson).

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on agenda 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. 76/12 attended the hearing with his uncle and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 77/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 78/12 attended the hearing with two representatives and he and one of the representatives addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
76/12	Application for a First Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.

77/12	Application for a Hackney Carriage Vehicle Licence	Grant a licence for the normal term of 12 months on the grounds that the applicant has demonstrated that there are exceptional circumstances to deviate from Council Policy.
78/12	Application to Renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of six months in view of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a nine month licence and, on the second renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further offences or convictions reported and (b) the applicant be given a final written warning as to his future conduct.



**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 29 November 2012**

**PRESENT:** Councillors David Barker, Nikki Bond and Vickie Priestley

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**1. APPOINTMENT OF CHAIR**

1.1 RESOLVED: That, in the absence of the Chair and Deputy Chair, Councillor David Barker be appointed Chair of the meeting.

**2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received from Members of the Committee. Councillor Jillian Creasy attended as reserve Member, but was not required to stay.

**3. EXCLUSION OF 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 on agenda items.

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT SITE - OWLER LANE**

5.1 The Chief Licensing Officer submitted a report to consider an application for a static Street Trading Consent on Owler Lane, Sheffield 4.

5.2 Present at the meeting were Rafa Rafaqat Khan (applicant), Rozina Raftar (applicant's wife), Jan Jude, Mohammed Waheed, Saheed Matlub, M. Saleem, Wahid Nazir and Aftab Ahmed (all objectors to the application), Marie-Claire Frankie (Solicitor to the Sub-Committee), Kathy Stockdale (Senior Licensing Officer) and Jennie Skiba (Democratic Services).

5.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

5.4 The Senior Licensing Officer presented the report to the Sub-Committee and it was noted that objections to the application had been received from a number of local businesses and were attached at Appendix G. Jan Jude of the Page Hall Medical Centre was amongst the objectors and she, along with representatives of those businesses, attended the meeting to put forward their representations.

5.5 Mrs. Raftar spoke on behalf of her husband and stated that Mr. Khan already

traded in the area on a mobile consent, and that there was a great demand for his produce, which was why he was now applying for static consent, in order to stay in the area for longer and sell his goods. Mrs. Raftar added that there had been no complaints from residents regarding litter, parking problems, blocking driveways or holding up emergency services. She went on to state that there was a gap in the market in the area for the type of products they were selling and they complied with regular health and safety checks from the local Authority.

- 5.6 Mohammed Waheed, Wahid Nazir and Aftab Ahmed, local businessmen, stated that a number of other small businesses as well as stores belonging to national supermarket chains had opened up in the area in the past few years and they were struggling to maintain their businesses. They also stated that the mobile traders had been seen to knock on doors to attract custom, thus taking away trade from themselves. Jan Jude of the Medical Centre stated that there were parking problems in the Centre's car park and that doctors could be restricted from accessing and exiting the car park in emergencies.
- 5.7 RESOLVED: That the public and press and attendees involved in the applications 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.
- 5.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, after careful consideration of the application now submitted in respect of land at Owler Lane, the Sub-Committee refuses to grant the static Street Trading Consent in the interests of public health, as the siting of the vehicle on the cul de sac would be detrimental to those accessing the local medical centre, which could compromise patient care, and furthermore, the van would not enhance the area and the goods being traded would conflict with goods sold by other nearby retailers.

## **6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT SITE - BAGLEY ROAD**

- 6.1 The Chief Licensing Officer submitted a report to consider an application for a static Street Trading Consent on Bagley Road, Sheffield 4.
- 6.2 Present at the meeting were Muhammed Yasin (applicant), Tariq Mahmood (applicant's friend), Mohammed Waheed, Saheed Matlub, T. Mahmood, Wahid Nazir and Aftab Ahmed (all objectors to the application), Marie-Claire Frankie (Solicitor to the Sub-Committee), Kathy Stockdale (Senior Licensing Officer) and Jennie Skiba (Democratic Services).

- 6.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 6.4 The Senior Licensing Officer presented the report to the Sub-Committee and it was noted that objections to the application had been received from a number of local businesses and were attached at Appendix G. A representative from the local mosque was amongst the objectors and, along with representatives of those businesses, attended the meeting to put forward their representations.
- 6.5 Tariq Mahmood spoke on behalf of the applicant and stated that the applicant already operates in the area as a mobile trader, but felt that due to customer demand, he would apply for a static consent one day per week between the hours of 12.30 p.m. to 3.30 p.m. He stated that the site he was applying for was situated on a cul-de-sac, away from the main route to Meadowhall and his customers had asked him to return.
- 6.6 Mohammed Waheed, Wahid Nazir and Aftab Ahmed, local businessmen, felt that because of the intended hours of trading, there were serious health and safety issues as the intended location was only a few yards away from the zebra crossing regularly used by local schoolchildren at lunchtime and at the end of the school day. There were already a large number of similar businesses trading in the area and Mr. Yasin was taking away trade from them. They also had concerns regarding parking problems.
- 6.7 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.
- 6.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 6.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.10 RESOLVED: That, after careful consideration of the application now submitted in respect of land at Bagley Road, the Sub-Committee refuses to grant the static Street Trading Consent in the interests of public health, as the siting of the vehicle on the proposed site would be detrimental to pedestrians using the local school and medical centre owing to the increase in traffic, and furthermore, the van would not enhance the area and the goods being traded would conflict with goods sold by other nearby retailers.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 3 December 2012**

**PRESENT:** Councillors John Robson (Chair), George Lindars-Hammond and Stuart Wattam

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence. Councillor Jillian Creasy 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 agenda 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.79/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.80/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No.81/12 attended the hearing addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
79/12	Application for the renewal of a Hackney Carriage Vehicle Licence	Refuse to grant the renewal of the licence, but the applicant be granted a period of grace up until the 16 <sup>th</sup> February, 2013, in order for him to obtain a suitable replacement vehicle.

80/12	Review of a Hackney Carriage and Private Hire Driver's Licence	Issue a written warning to the applicant and upon renewal of his licence, he be required to sit an English Language test to assist him in communicating with customers.
81/12	Application for a first Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in the light of the offences now reported and the applicant's responses in relation to questions relating thereto, the applicant is not deemed to be a fit and proper person.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 4 December 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Jillian Creasy and Philip Wood

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Chair (Councillor John Robson) and Councillor George Lindars-Hammond 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 agenda 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. LICENSING ACT 2003 - PERSONAL LICENCE APPLICATION**

4.1 The Chief Licensing Officer submitted a report to consider an application for a Personal Licence made under Section 117 of the Licensing Act 2003.

4.2 Present at the meeting were Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), John Turner (Democratic Services), Lizzie Payne and Benita Mumby (South Yorkshire Police, Objectors) and the Personal Licence applicant.

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that a representation had been received from South Yorkshire Police, and was attached at Appendix "B" to the report.

4.5 Benita Mumby addressed the Sub-Committee, referring to the objections of South Yorkshire Police to the application, focusing specifically on the applicant's previous offences and convictions, and the fact that his full rehabilitation period had not yet been completed.

4.6 The applicant addressed the Sub-Committee, stating that he planned to set up a restaurant business and deeply regretted the actions which had resulted in the

convictions, and explaining the nature of, and reasons behind, the offences. He submitted a letter from the South Yorkshire Probation Trust, which indicated that he was still in the process of completing the Supervision Order and that he was deemed as being a low risk in terms of re-offending. He concluded by indicating that the offences were silly mistakes and that he wanted to move on in life and be a positive role model for his two sons.

- 4.7 RESOLVED: That the attendees involved in the application for a Personal Licence 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.
- 4.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That the application for the Personal Licence be granted in the terms now requested (Case No. 94/12).



**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 6 December 2012**

**PRESENT:** Councillors John Robson (Chair), Nikki Sharpe, Clive Skelton and Philip Wood

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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 - PARADISE, EFFINGHAM STREET, SHEFFIELD, S4 7YP**

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Paradise, Effingham Street, Sheffield, S4 7YP.

4.2 Present at the meeting were Julie Hague (Sheffield Safeguarding Children Board, Objector), Marie-Claire Frankie (Solicitor to the Sub-Committee), Andy Ruston (Licensing Officer) and John Turner (Democratic Services). The applicant did not attend the meeting and as it was his second opportunity to attend a hearing, the application was considered in his absence.

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Sheffield Safeguarding Children Board, and were attached at Appendix 'B' to the report.

4.5 Julie Hague stated that the Board had made a representation in response to the application on the basis that the measures offered in parts (b) and (e) of the operating schedule did not specify suitable or stringent systems for the protection of children from harm. The Board considered that the style and character of the premises was that of an adult venue, providing entertainment of a sexual nature, and was concerned that without more stringent safeguarding systems, children and young people may be able to access the premises as customers or to work there. Ms Hague referred specifically to the lack of a recognised proof of age scheme,

signage, staff training, employment records or identity verification procedures, all of which had been accepted by other local operators providing adult entertainment venues in the City, and which were routinely complied with in Sheffield. The main issue of contention appeared to relate to the requirement for workers at the premises to provide a National Insurance number, which was required to reduce the risk of people using a false identification and was a necessary measure to allow the age and identity of a person to be checked.

- 4.6 **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.
- 4.7 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.9 **RESOLVED:** That the Sub-Committee agrees to grant a Premises Licence in respect of Paradise, Effingham Street, Sheffield, S4 7YP, subject to the amended application, operating schedule, agreed conditions and to the additional conditions now made as follows:-
- (a) at the point of entry to the premises a Challenge 25 proof of age scheme must be operated, and which must include refusals records, signage and staff training records;
  - (b) all employees, volunteers and entertainers must be aged 18 years or over and, a record of each employees' name, address, National Insurance number, photograph and date of birth will be retained and these details must be checked and verified by the Premises Manager or Premises Licence Holder against other recognised forms of identity, such as a passport or photo-driving licence; these records must be retained at the premises for a minimum of 12 months from the date of employment and made available to officers of responsible authorities on request;
  - (c) signage must be displayed externally, at points of entry, indicating that persons under the age of 18 are prohibited and that a Challenge 25 scheme operates; and
  - (d) persons re-entering the premises must be subject to the same security and identity checks as customers first entering the premises at any given period of trade.

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



**SHEFFIELD CITY COUNCIL  
LICENSING COMMITTEE**

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**Report of:** Chief Licensing Officer

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**Date:** 29<sup>th</sup> January 2013

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**Subject:** Private Hire and Hackney Carriage Licensing

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**Author of Report:** Steven Lonnia Chief Licensing Officer,  
Business and Strategy, Place Portfolio

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**Summary:** Report – Hackney Carriages Fares Review –  
(Determination of Fares)

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**Category of Report:** OPEN

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**Report of the Chief Licensing Officer to the Licensing Sub Committee 29<sup>th</sup>  
January 2013.**

**Hackney Carriage Licensing – Hackney Carriage Fares review**

1. Purpose

- 1.1 At its meeting of 18<sup>th</sup> October 2005, the Licensing Board agreed a Policy to review Hackney Carriage fares on an annual basis.
- 1.2 This item was deferred from a previous meeting of the Licensing Sub Committee held in November 2012 this was to allow the Trade Association to submit quantifying information in respect of their requests.

2. Legal requirements

- 2.1 Section 60(1) of the Local Government (Miscellaneous Provisions) Act 1976 "The City Council may fix rates or fares within the district as well for time as distance, and all other charges in connection with the hire of the hackney carriages by means of a table made or varied in accordance with the provisions of this section".
- 2.2 There is no legal requirement that the Council must fix fares but it has long been the practice in Sheffield that it does so.
- Many of the current byelaws relating to Hackney Carriages are based on the fact that the Council does fix the maximum fares.
- 2.3 Where the Council does elect to fix fares it can from time to time vary those fares. The practice in Sheffield has been to review fares at the request of the recognised trade Sheffield Taxi Trades Association (STTA) only. Although it would be possible for individuals who are affected or aggrieved to request changes to fares structures and policies.
- 2.4 Section 60(2) Local Government (Miscellaneous Provisions) Act 1976.

(a) "When a district Council make or vary a table of fares they shall publish in at least one local newspaper circulating the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than 14 days from the date of the first publication of the notice, within which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for a period of 14 days from the date of first publication thereof be deposited at the offices of the Council which published the notice, and shall be at reasonable hours be open to the public inspection without payment.

2.5 Section 60(3) Local Government (Miscellaneous Provisions) Act 1976.

"If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variations will come into operation on the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, of the last objection, which ever date is the later."

2.6 Section 60(4) Local Government (Miscellaneous Provisions) Act 1976.

"If an objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections."

3. Background

3.1 The Trade association were asked to submit further information as to the request they had made, this was to include details of how much per mile at the current charges were profit/wage for a driver and how much made up of costs for a driver. Any information supplied is attached at appendix A of this report.

4.0 Consultation

4.1 Representatives of the trade associations have been invited to attend this meeting. There has been no consultation meeting held since the original hearing date for this review.

4.2 If changes are made to the fares the Council has a legal obligation to advertise this to allow for objections to the changes. See section 2.5 This open meeting and the advertisement is the only Public/User consultation that takes place when these matters are discussed.

4.3 If objections were received the Council would have to reconvene the Licensing Sub Committee to consider the objection see section 2.6

4.4 Any changes then would come into effect from a future date stated at the objection hearing.

5 Options

5.1 The options available to the Committee are wide ranging from leaving the fares as they are and review again in 12 months time.

5.2 The Committee may implement any change to the hackney carriages fares without any requests.

5.3 The Committee may implement an increase or decrease in Hackney Carriage fares.

- 5.4 Licensing Committee may consider allowing a % of fare costs to cover the costs of charges to drivers and allow the growth in the use of cards for payments. Suggestions are a maximum of 10% of any fare would easily cover the costs of administration and charges.
- 5.5 The Committee could make changes to the fares to allow for a more open and easily understandable fares structure with the introduction of new fares and using a more user friendly yardage calculation than in previous years. Examples of these options are detailed in the presentation by officers.
- 5.6 Determine that the current fares structure is appropriate and not increase the fares.
- 5.7 Determine that the current fares are too high or too low and decrease or increase the fares as appropriate.

## 6 Recommendations

- 6.1 That members consider the information available and any submissions made and determine whether to take any action in relation to Hackney Carriage Fares.
- 6.2 That member's delegate authority to the Chief Licensing Officer to take the necessary steps to implement the decision reached. If an increase or decrease in fares is implemented, this will include the preparation of a fares table (which will include metric equivalents of distances) and the advertisement of the proposed increase.
- 6.3 There is a legal requirement to advertise any changes to Hackney Carriage in the Local Press giving an opportunity for objections to be raised to the changes, in writing within 14 days of the date of the advert.
- 6.4 The Chief Licensing Officer is required to report back to the Committee any objections to the proposed increase/decrease that are received.
- 6.5 Implementation date for changes would be beyond the 14 days after the advert had been placed and only if there had been no objections received.

## 7 Financial implications

- 7.1 There are no financial implications for the Council in this proposal except for the costs of advertising in the local press of any increase/decrease (previous cost approx £2700).

29<sup>th</sup> January 2013

Steve Lonnia  
Chief Licensing Officer.  
Head of Licensing

Rec 27/12/12



11<sup>th</sup> December 2012

**To whom it may concern**

Over the last few years, taxi insurance has increased dramatically. Below is a guide as to how much taxi insurance policies have risen, over the last 3 years:

2009 – 2010 15% Increase  
2010 – 2011 25% Increase  
2011 – 2012 20% Increase

The rise is due to the fact that many underwriters have pulled out of the market. This reduces the number of underwriters who are offering taxi insurance. Henceforth, this reduces competition within the market. This leaves the few underwriters who are selling taxi insurance, to dictate the terms, conditions & prices.

Yours Sincerely

S Ullah  
Manager



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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:** 29<sup>th</sup> January 2013

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**Subject:** **Government Consultation:**  
Delivering the Government's Policies to cut alcohol fuelled crime  
and anti-social behaviour

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**Author of Report:** Claire Bower – 203 7751

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**Summary:** The consultation seeks views on a number of measures set out in  
the Government's alcohol strategy.

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**Recommendations:** That Members consider carefully the details of the consultation  
document and make any relevant comments that they wish to be  
included in the formal Licensing Authority response.

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**Background Papers:**

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**Category of Report:** OPEN

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**LICENSING ACT 2003  
HOME OFFICE CONSULTATION – Proposals on five key areas set out in  
the Government's Alcohol Strategy**

**1.0 PURPOSE AND OUTCOMES**

- 1.1 The purpose of this report is to inform Members of a consultation paper that has been released by the Home Office, to consult with Members regarding the new proposals and obtain comments for the Licensing Authority's response.
- 1.2 The full consultation document and nine impact assessment papers can be downloaded at the following website: <http://www.homeoffice.gov.uk/publications/about-us/consultations/alcohol-consultation/>. Due to the amount of literature, the documents have not been attached to the report.
- 1.3 The outcomes of this report are to ensure that Members are aware of the content of the consultation paper and to allow Members the opportunity to input their comments into the Licensing Authority's formal response.

**2.0 WHAT DOES THIS MEAN FOR THE PEOPLE OF SHEFFIELD**

- 2.1 The Home Office have stated in their consultation document that there is a significant minority in our country who do not drink responsibly and it is responsible drinkers, businesses and the wider community who are paying the price in terms of crime and disorder on the streets.
- 2.2 If some of the proposals in the document are introduced, they would assist the Council in achieving some of the priorities, values and outcomes in "Standing up for Sheffield: Corporate Plan 2011-14" such as:-

**Priorities**

- Supporting and protecting communities
- Business friendly

**Values**

- Long term view
- Prevention
- Enable individuals and communities
- Working better together

**Outcomes**

- Better health and well being
- Tackling poverty and increasing social justice

- A great place to live
- Safe and secure communities

### **3.0 BACKGROUND**

3.1 Further to the reforms the Government has made to legislate against binge drinking, they are now working on continuing to tackle the anti-social behaviour and crime in our communities caused by alcohol.

3.2 The Home Office consultation is looking at five key areas:

- Minimum unit pricing, ensuring for the first time that alcohol can only be sold at a sensible and appropriate price;
- A ban on multi-buy promotions in shops and off-licences to reduce excessive alcohol consumption;
- A review of the mandatory licensing conditions, to ensure that they are sufficiently targeting problems such as irresponsible promotions in pub and clubs;
- Health as a new alcohol licensing objective for cumulative impact so that licensing authorities can consider alcohol related health harms when managing the problems relating to the number of premises in their area; and,
- Cutting red tape for responsible businesses to reduce the burden of regulation on business while maintaining the integrity of the licensing system.

3.3 The closing date for comments to the Home Office consultation paper is 6<sup>th</sup> February, 2013.

### **4.0 CONSULTATION**

4.1.1 A draft response to the consultation is attached at Appendix "A". The draft response is for Members to add further comment, or to consider removing anything they are not in agreement with.

### **5.0 AFTER THE CONSULTATION**

5.1 Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public.

### **6.0 FINANCIAL IMPLICATIONS**

6.1 The forecast financial implications of each proposal have been published in nine consultation impact assessments alongside the consultation.

## **7.0 RECOMMENDATIONS**

- 7.1 That Members consider carefully the details of the consultation document and make any relevant comments that they wish to be included in the response.
- 7.2 That Members make amendments or additions to the draft response to the Government consultation.

Steve Lonnia  
Chief Licensing Officer  
Head of Licensing

January 2012

**HOME OFFICE CONSULTATION**

**Delivering the Government's Policies to cut alcohol fuelled crime and anti-social behaviour**

**DRAFT - Licensing Authority Response**

**Consultation Question 1:**  
 Do you agree that this MUP level would achieve these aims? (Please select one option):

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 2:**  
 Should other factors or evidence be considered when setting a minimum unit price for alcohol?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 3:**  
 How do you think the level of minimum unit price set by the Government should be adjusted over time? (Please select one option):

Do nothing – the minimum unit price should not be adjusted	<input type="checkbox"/>
The minimum unit price should be automatically updated in line with inflation each year	<input type="checkbox"/>
The minimum unit price should be reviewed after a set period	<input checked="" type="checkbox"/>
Don't know	<input type="checkbox"/>

**Consultation Question 4:**  
 The aim of minimum unit pricing is to reduce the consumption of harmful and hazardous drinkers, while minimising the impact on responsible drinkers. Do you think that there are any other people, organisations or groups that could be particularly affected by a minimum unit price for alcohol? (Please select one option):

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 5:**

Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade? (Please select one option):

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 6:**

Are there any further offers which should be included in a ban on multi-buy promotions? (Please select one option):

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 7:**

Should other factors or evidence be considered when considering a ban on multi-buy promotions? (Please select one option):

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 8:**

The aim of a ban on multi-buy promotions is to stop promotions that encourage people to buy more than they otherwise would, helping people to be aware of how much they drink, and to tackle irresponsible alcohol sales. Do you think that there are any other groups that could be particularly affected by a ban on multi-buy promotions?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 9:**

Do you think each of the mandatory licensing conditions is effective in promoting the licensing objectives? Please state Yes / No / Don't know in each box.

	Prevention of crime & Disorder	Public safety	Prevention of public nuisance	Protection of harm from children
Irresponsible promotions	No	No	No	No
Dispensing alcohol directly into the mouth	Yes	Yes	Yes	Yes
Mandatory provision of free tap water	Yes	Yes	Yes	Yes
Age verification policy	Yes	Yes	Yes	Yes
Mandatory provision of small measures	Yes	Yes	Yes	Yes

**Consultation Question 10:**

Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs? (Please select one option).

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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If no, please state what more could be done in the box below (keeping your views to a maximum of 100 words).

It is our opinion that the condition relating to irresponsible promotions is difficult to interpret and therefore, difficult to enforce.

**Consultation Question 11:**

Are there other issues related to the licensing objectives which could be tackled through a mandatory licensing condition? (Please select one option).

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 12:**

Do you think the current approach, with five mandatory licensing conditions applying to the on-trade and only one of those to the off-trade, is appropriate? (Please select one option).

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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Should the ban on multi-buy promotions be passed, this would be adequate in tackling our concerns.

**Consultation Question 13:**

What sources of evidence on alcohol-related health harm could be used to support the introduction of a cumulative impact policy (CIP) if it were possible for a CIP to include consideration of health?

- Ambulance call out records
- A&E Admission records
- Street angel / pastor evidence
- Police records of assaults
- Local resident complaints

For both patients admitted as a direct result of the affects of alcohol and for those that have been assaulted by another person under the influence of alcohol

There will always be a concern that alcohol related health harm cannot be pinpointed to a specific location / premises.

**Consultation Question 14:**

Do you think any aspects of the current cumulative impact policy process would need to be amended to allow consideration of data on alcohol-related health harms? (Please select one option).

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 15:**

What impact do you think allowing consideration of data on alcohol-related health harms when introducing a cumulative impact policy would have if it were used in your local area? Please specify in the box below, keeping your views to a maximum of 200 words. Please provide evidence to support your response.

It could give additional weight to the consideration of any potential CIP but any alcohol related data can be guaranteed to come from a specific area/premises. Pre-loading etc

**Consultation Question 16:**

Should special provision to reduce the burdens on ancillary sellers be limited to specific types of business, and/or be available to all types of business providing they meet certain qualification criteria for limited or incidental sales? (Please select one option in each row)

	Yes	No	Don't know
A The provision should be limited to a specific list of certain types of business and the kinds of sales they make	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C The provision should be available to both a specific list of premises and more widely to organisations meeting the prescribed definition of an ancillary seller, that is, both options A and B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Consultation Question 17:**

If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of business, do you think it should apply to the following?

	Yes	No	Don't know
A Accommodation providers, providing alcohol alongside accommodation as part of the contract.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B Hair and beauty salons, providing alcohol alongside a hair or beauty treatment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C Florists, providing alcohol alongside the purchase of flowers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E Regular charitable events, providing alcohol as part of the wider occasion.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Consultation Question 18:**

Do you have any suggestions for other types of businesses to which such special provision could apply without impacting adversely on one or more of the licensing objectives?

Large department stores offering gift sets such as whiskey, cheese and wine, etc



**Consultation Question 19:**

The aim of a new 'ancillary seller' status is to reduce burdens on businesses where the sale of alcohol is only a small part of their business and occurs alongside the provision of a wider product or service, while minimising loopholes for irresponsible businesses and maintaining the effectiveness of enforcement. Do you think that the qualification criteria proposed in paragraph 9.6 meet this aim? (Please select one option):

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 20:**

Do you think that these proposals would significantly reduce the burdens on ancillary sellers? (Please select one option in each row):

	Yes	No	Don't know
<b>A</b> Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B</b> Introduce a new, light-touch form of authorisation for premises making ancillary sales - an 'ASN' but retain the need for a personal licence holder.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C</b> Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Consultation Question 21:**

Do you think that the following proposals would impact adversely on one or more of the licensing objectives:

	Yes	No	Don't know
<b>A</b> Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>B</b> Introduce a new, light-touch form of authorisation for premises making ancillary sales an - 'ASN' but retain the need for a personal licence holder.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C</b> Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Consultation Question 22:**

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?

Ensure there is still a need to promote the licensing objectives and having the option to attach conditions.

The criteria would need to be explicit to ensure compliance and effective enforcement.

**Consultation Question 23:**  
Do you agree that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 24:**  
What impact do you think a locally determined notification would have on organisers of community events?

	Yes	No	Don't know
A Reduce the burden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B Increase the burden	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Consultation Question 25:**  
Should the number of TENS which can be given in respect of individual premises be increased?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
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**Consultation Question 26:**  
If yes, please select one option to indicate which you would prefer:

15	<input checked="" type="checkbox"/>
18	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

**Consultation Question 27:**  
Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?

	Yes	No	Don't know
A Determining that premises in certain areas are exempt.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B Determining that certain premises types are exempt in their local area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Consultation Question 28:**  
Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment? (Please select one option)

	Yes	No	Don't know
A Motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Consultation Question 29:**

Please describe in the box below any other types of premises to which you think a nationally prescribed exemption should apply.

**Consultation Question 30:**

Do you agree with each of the following proposals? (Please select one option in each row)

	Yes	No	Don't know
<b>A</b> Remove requirements to advertise licensing applications in local newspapers.	✓		
<b>B</b> Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.			✓
<b>C</b> Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – "lodges".			✓
<b>D</b> Remove or simplify requirements to renew personal licences under the 2003 Act.		✓	

**Consultation Question 31:**

Do you think that each of the following would reduce the overall burdens on business?

	Yes	No	Don't know
<b>A</b> Remove requirements to advertise licensing applications in local newspapers.	✓		
<b>B</b> Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.			✓
<b>C</b> Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – "lodges".			✓
<b>D</b> Remove or simplify requirements to renew personal licences under the 2003 Act.	✓		

**Consultation Question 32:**

Do you think that the following measures would impact adversely on one or more of the licensing objectives?

	Yes	No	Don't know
<b>A</b> Remove requirements to advertise licensing applications in local newspapers.		✓	
<b>B</b> Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.			✓
<b>C</b> Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – "lodges".			✓
<b>D</b> Remove or simplify requirements to renew personal licences under the 2003 Act.	✓		

**Consultation Question 33:**

In addition to the suggestions outlined above what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities?

**Consultation Question 34:**

Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals?

	Yes	No	Don't know
A Minimum unit pricing			✓
B Multi-buy promotions			✓
C Health as a licensing objective for cumulative impact			✓
D Ancillary sales of alcohol			✓
E Temporary event notices			✓
F Late night refreshment			✓
G Removing the duty to advertise licence applications in a local newspaper			✓
H Sales of alcohol at motorway service stations			✓
I Personal licences			✓

**Consultation Question 35:**

Do you have any comments on the methodologies or assumptions used in the impact assessments? If so, please detail them, referencing clearly the impact assessment and page to which you refer.

No