

# **Licensing Committee**

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**Tuesday 5 February 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  
5 FEBRUARY 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:-  
  
11 December 2012  
13 December 2012  
17 December 2012  
3 January 2013  
7 January 2013
- 6. Government Consultation - Street Trading and Pedlary Laws - Compliance with the European Services Directive**  
Report of the Chief Licensing Officer
- 7. Criminal Justice and Police Act 2001 - Designated Public Place Order (DPPO) - Woodhouse**  
Report of the Chief Licensing Officer
- 8. Private Hire and Hackney Carriage Licensing - Image Recording Equipment in Licensed Vehicles Review**  
Report of the Chief Licensing Officer
- 9. Private Hire and Hackney Carriage Licensing - Long Service Awards 2012**  
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 11 December 2012

**PRESENT:** Councillors John Robson (Chair), Jillian Creasy and Geoff Smith

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence received. Councillor Clive Skelton 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 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.

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR A STREET TRADING CONSENT**

4.1 The Chief Licensing Officer submitted a report to consider an application for a Street Trading Consent for a small trading stall in the City Centre (Ref No. 87/12).

4.2 Present at the meeting were Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), John Turner (Democratic Services), Steve Cooper (City Centre Management Team) and Julie Heneghan (Highways). The applicant did not attend the meeting and as it was the second hearing to which he had been invited, 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 comments on the application had been received from the Council's Highways Service, Development Services and City Centre Management Team, and were attached at Appendix 'C' to the report.

4.5 Julie Heneghan stated that there was no suitable site on Sheaf Street to locate a trading stall on the grounds that there was insufficient highway to site such a stall, and the siting of a stall would limit the available footpath, which already had a heavy footfall. There was also nowhere for vehicles to pull in terms of transporting the stall to and from the site and in terms of deliveries. She concluded by stating

that there were no highway issues in terms of trading at the bottom of Fargate, other than referring to the traffic restrictions, which would require any vehicle delivering the stall to be removed from Fargate before 10.00 am and after 6.30 pm in terms of taking the stall away.

- 4.6 Steve Cooper stated that the City Centre Management Team had serious concerns, mainly relating to the poor quality of the trading stall, which would be in stark contrast to other quality street furniture in the City Centre, and which fell well short of the Council's qualitative criteria for small trading stalls in the City Centre.
- 4.7 The comments from Development Services also focused on the poor design of the trading stall, and did not meet the well established qualitative criteria that had been adopted for the City Centre.
- 4.8 **RESOLVED:** That the attendees involved in the application for a Street Trading Consent 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.
- 4.9 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.11 **RESOLVED:** That the application for a Street Trading Consent (Ref No. 87/12) be not granted on the grounds that the proposed trading stall does not meet the Council's qualitative criteria relating to small trading stalls in the City Centre.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 13 December 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), David Barker 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).

**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 - BLUE BELL INN, 1 MAIN STREET, SHEFFIELD S12 4LA**

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 Blue Bell Inn, 1 Main Street, Sheffield S12 4LA.

4.2 Present at the meeting were Hardial Mahal (Applicant), several members of the public both for and against the application, Marie-Claire Frankie (Solicitor to the Sub-Committee), Andy Ruston (Licensing Officer) and Jennie Skiba (Democratic Services).

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 local residents and were attached at Appendix B to the report.

4.5 Kathleen Bower spoke on behalf of the objectors and stated that she had lived to the rear of the premises for the past 21 years and had endured all types of nuisance from the premises which, in her opinion, had been as a result of excessive alcohol consumption and the inability of successive owners to contain their customers and noise within the premises. She felt that the sale of alcohol would encourage young people to congregate outside the premises and thereby cause noise, public disorder and vandalism to the surrounding area. She added that there was a very good off licence and convenience store nearby which provided an excellent service to the public and was separated from residential

properties.

- 4.6 Michael Rowbottom stated that he had the same concerns as Mrs. Bower and also felt problems would be created with regard to loading and unloading at the premises due to the fact that Main Street is only a narrow but very busy street, and envisaged there being problems with parking. He also asked if consideration could be given to a reduction in hours.
- 4.7 Timothy Robinson stated that he was the co-owner of the off-licence and convenience store on the Hackenthorpe shopping centre and that he had been there for the past 20 years. He stated that he and his staff were aware of the youths which congregated along the shops and had strived for a long time to stop underage drinking, and also that over time they had come to know the youths and were making inroads into reducing the amount of illegal drinking. He felt that another off-licence in the area would serve to exacerbate the problem.
- 4.8 Peter Nicholson spoke in favour of the application and felt that the parking of cars would be less of an issue than that already experienced at the nearby shopping parade.
- 4.9 In response to questions from Members, Hardial Mahal stated that, because of the nature of the previous business at the premises and the history surrounding it, he had met with the local Police and had agreed to all the licence conditions i.e. CCTV to the front and rear of the premises, the operation of the Challenge 25 scheme and the appointment of a Designated Premises Supervisor. Mr. Mahal also stated that deliveries to the shop will take place during the day, through the car park at the rear, not on the main road to the front. In response to further questions, he added that someone was going to be living in the premises, that the business would provide healthy competition to other businesses in the area which would be of benefit to the community and that the sale of alcohol was just part of the overall sales from the premises.
- 4.10 Mr. Mahal said he had operated a business for the past 20 years at the local shopping area and had always run everything in accordance with the law and intended to carry on in that vein. Also the new business would create five or six local jobs which would benefit the area.
- 4.11 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.
- 4.12 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the application for a Premises Licence in respect of the

premises known as Blue Bell Inn, 1 Main Street, Sheffield, S12 4LA, be granted as per the amended operating schedule, due to the fact that there was no evidence to show that the licensing objectives would be undermined.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 17 December 2012**

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Nikki Bond 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).

**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 two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicants in Case Nos. 82/12 and 83/12 attended the hearing and addressed the Sub-Committee.

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

<b><u>Case No.</u></b>	<b><u>Licence Type</u></b>	<b><u>Decision</u></b>
82/12	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 offences or convictions reported.
83/12	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, the pattern of the offences, the applicant's failure to disclose certain offences on the application form and the answers to questions raised, it was the Sub-Committee's view that the applicant

was not a fit and proper person to hold a licence.



**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 3 January 2013**

**PRESENT:** Councillors John Robson (Chair), Neale Gibson and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence. Councillor Philip Wood 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. LICENSING ACT 2003 - KELHAM ISLAND MUSEUM, ALMA STREET, SHEFFIELD S3 8RY**

4.1 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 Kelham Island Museum, Alma Street, Sheffield S3 8RY.

4.2 Present at the meeting were Richard Saward, Business Services Manager, Sheffield Industrial Museums Trust (the Applicant), John Rannigan, David Buttle and Lee Gallagher (Objectors), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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 local residents and were attached at Appendix 'C' to the report.

4.5 John Rannigan stated that the Kelham Island Museum was located in a residential area and that the basis of his objections focused on the potential for public nuisance, particularly with regard to associated noise levels with customers leaving the premises in the early hours of the morning.

4.6 David Buttle indicated that there were some residents living in close proximity, particularly the occupants of apartments whose balconies overlooked the narrow cobbled road which formed the access to and egress from the Museum who could be affected, and felt that the proposed extensive changes to the licence will lead to

an unacceptable level of noise and disruption as events held at the Museum could attract up to 150 people, seven days per week.

- 4.7 Lee Gallagher stated that there was already a great deal of traffic noise, litter and anti-social behaviour from venues in the area, although these were not licensed until 2.00 a.m.
- 4.8 Richard Saward stated that the premises will continue to operate predominantly as an educational museum and will not change the main historical and educational nature of its use. He further stated that any licensable activities will remain ancillary to the main purpose and any revenue generated will be used to support and develop the main purpose of the Museum.
- 4.9 Richard Saward commented that the application was to licence the Upper Gallery. He added that the Gallery was, at present, unlicensed and there is no type of heating to that part of the Museum. The Gallery was to be offered as an exclusive package for weddings, but due to the fact that there is no heating, it can only operate during the warmer months of the year. Also, weddings would only be held on Saturdays and not on weekdays. He added that the type of revellers who booked the Museum for weddings, were looking for an alternative type of event and, as yet, no-one had asked for a late night licence.
- 4.10 Mr. Saward stated that the one of the main reasons for the application to vary the premises licence was that the licence would facilitate corporate, social and private functions without the necessity for, and additional costs incurred when, applying for a temporary event notice.
- 4.11 In response to questions from Members of the Sub-Committee, Mr. Saward stated that during the last 12 months, less than 20 events had been held at the Museum, with maybe one or two staying open until 11.30 p.m. He also stated that there are no plans to provide heating in the Upper Gallery due to financial constraints and that the Museum always employs temporary door staff for events held.
- 4.12 Mr. Saward made an official request to amend the application so that licensable activities will cease at 23:30 hours Sunday to Thursday and cease at 01:00 hours on Friday and Saturdays and for the premises to be open to the public for an additional 30 minutes on all days.
- 4.13 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.
- 4.14 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.16 RESOLVED: That the Sub-Committee agrees to grant the variation to the premises licence in respect of Kelham Island Museum, Alma Street, Sheffield S3 8RY, subject to the amended application, operating schedule and modified conditions now made as follows:-

- (a) the use of Security Industries Association (SIA) registered door staff will be risk assessed on an event by event basis and records of the risk assessment kept and made available for inspection to Officers; and
- (b) off sales be permitted in relation to the museum shop area and café and as per Condition 5 in sealed containers.

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

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 7 January 2013**

**PRESENT:** Councillors John Robson (Chair), Stuart Wattam and Philip Wood

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence received.

**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. 84/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 85/12 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 86/12 attended the hearing with a friend 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>
84/12	Application for a 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 written warning as

85/12	Application for a first Hackney Carriage and Private Hire Driver's Licence	to his future conduct. 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.
86/12	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.



## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 5<sup>th</sup> February 2013

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**Subject:** **Government Consultation:**  
STREET TRADING AND PEDLARY LAWS - COMPLIANCE  
WITH THE EUROPEAN SERVICES DIRECTIVE  
A joint consultation on draft regulations - Repeal of the Pedlars  
Acts (UK- wide), and changes to street trading legislation in  
England and Wales and Northern Ireland.

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**Author of Report:** Shimla Rani – 203 7751

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**Summary:** To inform Members of a consultation paper that has been released by the Department for Business Innovation & Skill, to consult with Members regarding the new proposed draft regulations, amendments to the Local Government (Miscellaneous Provisions) Act 1982, and to obtain their comments for the Licensing Authority's response.

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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:** Street Trading and Pedlary Laws  
Compliance with the European Services Directive  
November 2012

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**Category of Report:** OPEN

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
DEPARTMENT FOR BUSINESS INNOVATIONS & SKILLS CONSULTATION  
Street Trading and Pedlar Laws**

**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 Department for Business Innovation & Skills (BIS), to consult with members regarding the new proposed draft regulations, amendments to the Local Government (Miscellaneous provisions) Act 1982 (LG(MP)A), and to obtain their comments for the Licensing Authority's formal response.
- 1.2 The full consultation documents has been forwarded to members in December 2012, however a full copy can be downloaded at the following website:  
[www.gov.uk/government/consultations/street-trading-and-pedlary-laws-a-joint-consultation-on-draft-regulations-to-repeal-the-pedlars-acts-uk-wide-and-make-changes-to-the-street-trading-legislation-in-england-wales-and-northern-ireland](http://www.gov.uk/government/consultations/street-trading-and-pedlary-laws-a-joint-consultation-on-draft-regulations-to-repeal-the-pedlars-acts-uk-wide-and-make-changes-to-the-street-trading-legislation-in-england-wales-and-northern-ireland)
- 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 BACKGROUND**

- 2.1 The consultation document seeks to ensure that the street trading and pedlary regimes comply fully with the requirements of the European Services Directive. The UK Government and the Northern Ireland Executive are seeking views from stakeholders in relation to the repeal of the Pedlars Acts, changes to their respective street trading regimes alongside the proposed new regulations.
- 2.2 In brief, the BIS consultation is seeking our views on the following:
- Repealing the Pedlars Act 1871 and 1881 UK-wide
  - Keeping Pedlars as an exemption under the Street Trading regime with a new definition under the proposed regulations.
  - Changes in the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 to ensure compliance of the European Services Directive.
  - Screening of local Acts that require consequential amendments as a result of the proposed amendments to schedule 4 of the LG(MP)A 1982 and the proposed repeal of the Pedlars Acts.
- 2.3 The closing date for comments to the BIS consultation paper is 15<sup>th</sup> February, 2013.



### **3.0 CONSULTATION**

- 3.1 This consultation document has been forwarded to South Yorkshire Police, Safeguarding Children's Board, City Centre Management Team and Members of the Licensing Committee for their comments.
- 3.2 The City Centre Management Team of Sheffield City Council and South Yorkshire Police will be responding directly to BIS and therefore their comments have not been included.
- 3.3 A draft response to the consultation document is attached at appendix 'A'. Members will note that Sheffield City Council only issue 'consents', therefore questions 1.1-1.3, 6, 7, 8, 9 and 11 relating to licences have not been answered.
- 3.4 The draft response also includes comments from Sheffield's Safeguarding Children's Board at questions 2 and 5.

### **4.0 SCREENING LOCAL ACTS**

- 4.1 In Chapter 3 of the document, Local Authorities are requested to screen their local Acts against the Directive's requirements and any consequential amendments with the proposed changes.
- 4.2 We have identified that section 67-78 inclusive (Part VIII - street trading) of The South Yorkshire Act 1980 requires repealing as Sheffield City Council have adopted the LG(MP)A 1982 for street trading.
- 4.3 The Licensing Authority have consulted with Barnsley, Rotherham and Doncaster Local Authorities which also fall under the scope of the local Act, and they have confirm of their agreement on the repeal of the relevant parts of the above Act.
- 4.4 BIS have indicated two ways in which to repeal section of our local Act to ensure compliance of the Directive:
  - 1. The relevant local authorities could make the necessary changes themselves by bringing forward a local bill to amend/repeal the relevant provisions of the local Act in question; or
  - 2. BIS will include the necessary repeals/amendments in their proposed regulations, provided that the relevant local authority provides appropriately drafted provisions (drafted by Parliamentary Agents) with adequate explanation as to why those repeals/amendments are needed (by the 15th February 2013).
- 4.5 It is felt that drafting provisions as in option 2 above would save a considerable amount of time and expense compared to option 1.
- 4.5 Doncaster, Rotherham and Barnsley local authorities have been consulted in respect of a shared agreement in amendments of the South Yorkshire Act and shared cost of a Parliamentary Agent.

## **5.0 NEXT STEPS**

- 5.1 The results of this consultation exercise, including a summary of the views expressed, and the Government's response will be published no more than three months after the close of the exercise.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 There will be costs incurred for the use of a Parliamentary Agent to draft provisions to repeal sections of the South Yorkshire Act 1980. It is anticipated that these costs will be shared with Rotherham, Barnsley and Doncaster local authorities and will be fairly minor.

## **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

# Appendix 'A'

Licensing Service,  
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Date

Rachel Onikosi  
Policy Manager  
Department of Business, Innovation and Skills  
Consumer and Competition Policy Directorate  
1 Victoria Street  
London  
SW1H 0ET

Via email: [stcompliance@bis.gsi.gov.uk](mailto:stcompliance@bis.gsi.gov.uk)

Dear Sir/Madam

## **STREET TRADING AND PEDLARY LAWS - COMPLIANCE WITH THE EUROPEAN SERVICES DIRECTIVE**

### **A joint consultation on draft regulations - Repeal of the Pedlars Acts (UK- wide), and changes to street trading legislation in England and Wales and Northern Ireland – November 2012**

I refer to the above and I thank you for the opportunity to respond to your consultation document published November 2012.

#### **Consultation Response**

Sheffield City Council only issue 'consents', therefore questions 6, 7, 8, 9 and 11 relating to licences have not been answered.

For ease of reference I have addressed the remaining questions in number order below with our response followed by each question:

**Question 1:** *Do you agree with the proposed repeal of the Pedlars Acts 1871 and 1881 UK-wide?*

Yes, we agree with the proposed repeal of the Pedlars Acts 1871 and 1881 UK wide as the legislation is now outdated and it is increasingly difficult to enforce Pedlars.

**Question 2:** *Do you agree with our proposed new definition of a pedlar for the purposes of the pedlar exemption from the "national" street trading regime in England and Wales? Please fully explain your reasons for agreeing or disagreeing with any element of the proposed definition.*

We do not agree with the proposed new definition of a pedlar for the purposes of the pedlar exemption from the 'national' street trading regime.

We feel that a Pedlar should not remain an exemption under schedule 4 of the LG(MP)A.

Should it remain an exemption, there should be an authorisation scheme which would clearly be justified by an overriding reason to the public interest (Art 9). There are significant public safety and security issues as well as public health and protection of consumers. We feel it is extremely important that any person who is permitted to trade should go through an authorisation scheme, to ensure they are fit and proper. This could include a police check or equivalent vetting. Traders come into contact with children and other vulnerable people who we need to afford extra protection. Local Authorities would not know whether Pedlars have a right to work, if they are claiming benefits or if they are illegal immigrants. Failure to implement an authorisation scheme would cost Local Authorities and other agencies time and money on enforcement.

The proposed definition also allows pedlars to trade in pedestrian areas. We feel that this should be omitted from the definition as other authorisation schemes are in place should they wish to do this. Most pedestrian areas likely to be used by pedlars are city/town centres which are managed by council departments taking into account local economy needs accordingly. Pedlars under this definition would overcrowd, cause obstruction and limit how the area is used. We feel that a pedlar should be trading on foot by means of visits from house to house and town to town as was originally intended.

Paragraph 2A of the draft regulations state that pedlars would be trading on foot, would this be from their place of residence? Do the pedlars have any resting time? The regulations need to be clear and concise so pedlars and local authorities are aware of what is permitted.

Local Authorities continually receive complaints regarding pedlars and their receptacles from businesses and the general public. The definition should therefore reduce the size of the 'receptacle' permitted by a pedlar. The dimensions listed in the proposed draft regulations are too generous and would cause problems on any street/road with regards to obstruction, public safety and protection of the environment.

The exemption does not include any measure about how many are permitted in an area, or how far away they should be from other pedlars. There is also no restriction on the type of goods which would be a concern. We would have issues with a pedlar selling living things as we would need to ensure that the animals are kept adequately and safe (health of animals) which again is an overriding reason of public interest.

The exemption does not state anything about selling food. Any pedlar under this exemption selling foodstuff hot or cold causes danger (hot plates, gas bottles, food hygiene, etc) and nuisance (odour etc) which will require extensive enforcement activity to control.

Sub paragraph 2D gives a restriction of 3 hours, who would monitor and enforce this. Current issues regarding Pedlars are hitting Local Authorities with substantial time and costs enforcing Pedlars that are illegally street trading.

The definition does not state the minimum age a Pedlar can be. Whilst there is adequate provision for safeguarding children of compulsory school age in other primary legislation,

existing legislation (CYP Act 1933, 1963 and local Byelaws) does not make adequate provision for safeguarding children of non compulsory school age (sometimes aged 15 years) working in the context of pedlary.

This would impact on the safety and welfare of young pedlars and on the statutory services for the following reasons:

(i) Children of non compulsory school age (as young as 15 years) working as pedlars would not be required to obtain consent to trade from the police. This would result in a lack of supervisory, regulatory and protective arrangements for young people aged 15 or over. Pedlary involves working in transient, unpredictable environments, approaching strangers or being approached, for trade. Routinely a young person may carry about their person valuable goods or cash. The peddling environment is difficult to risk assess.

One impact of the proposal therefore would be that children aged 15 years or over may be at risk of harm, affecting their safety and welfare.

(ii) The activity of children peddling in an unregulated context may impact on the resources of the local statutory services, such as police, children's services and licensing authorities, which would need to make arrangements to monitor peddling activity to safeguard the children involved. (Such arrangements may include the administration and enforcement of a permit scheme; a requirement for a risk assessment to be undertaken and the provision of a registered adult who is appropriately vetted with designated responsibility for the supervision of the young pedlar; identity cards for young traders and supervisors.)

The draft definition and the requirements under it are not clear and are open to abuse, courts could interpret the regulations differently making it difficult for authorities to control and enforce.

Sheffield City Council openly welcome legitimate traders, we regularly have continental markets however they are regulated as we need control of what is happening in the city centre.

**Question 3:** *If you are a local authority, do you envisage that there might be circumstances in which you would be able to designate a street as a licence/ consent street in relation to established traders but not in relation to temporary traders? (paragraphs 1.25 – 1.27)*

To ensure consistency we as a local authority would designate a street as a licence/consent street in relation to both established and temporary traders, we would not find any circumstance where we would not.

Designating streets as a licence/consent street will ensure that we as a Local Authority are ensuring certain issues which are in the public interest is taken into account and therefore an authorisation scheme would be required taking into account Art 16.

**Question 4:** *Do you agree that only one photo needs to be submitted with street trading applications which are made electronically? (see paragraph 1.28 above)*

Yes, we agree and fully support that only one photograph is needed when applications are submitted electronically.

**Question 5:** *Do you agree with the proposal to replace the mandatory refusal ground? If not, please explain why you do not think that the 1933 Act provides adequate protection and why the minimum age requirement of 17 needs to be retained. (Paragraph 1.32).*

Whilst there is adequate provision for safeguarding children of compulsory school age in other primary legislation, the Sheffield Safeguarding Children Board does not agree that the mandatory age requirement for street traders (to be aged 17 years or over) should be removed, because existing legislation (CYP Act 1933, 1963 and local Byelaws) does not make adequate provision for safeguarding children of non compulsory school age (sometimes aged 15 years) working in the context of street trading.

Street trading involves working in a public environment that is not controlled, including working outdoors selling goods at high capacity events such as football, music/entertainment where alcohol may be on sale and where the customer base is transient and unpredictable; it involves the exchange of goods for cash. The street trader environment is difficult to risk assess. This means that young street traders aged 15 years or over may be at risk of harm, affecting their safety and welfare.

For the above reasons, the minimum age should be retained.

If the mandatory minimum age requirement is removed, there would be an impact on the resources of the statutory agencies because additional safeguarding arrangements would need to be in place for children of non compulsory school age who are registered with the local authority as street traders but who would not be adequately protected under existing legislation. (Such arrangements would run alongside the existing registration/consent requirement and may include the administration and enforcement of a designated supervisor scheme; a requirement for a risk assessment to be undertaken; identity cards for young traders and supervisors.)

**Question 5.1:** *If you are a local authority, can you indicate the approximate number of applications you would expect to be made from those under 17 years of age?*

We currently have had very little interest. There may be however possible applications from 16 years who are doing projects after leaving school.

We would foresee that we would get more (assistants) helping parents who are consent holders than applying individually for a consent/licence.

**Question 10:** *Do you foresee any problems with our proposal to give local authorities flexibility to grant licences for longer than 12 months or indefinitely? (see paragraphs 1.44 – 1.47)*

We do not see any problems with the proposal to give Local Authorities flexibility to grant licences/consent for longer than 12 months or indefinitely as long as the flexibility is a choice to grant up to a certain period and not for a minimum duration.

Although we are not against this proposal, primary legislation will need to be altered to deal with the impact of an indefinite consent, for example what happens if the consent holder dies, or other such circumstances?

As an Authority, we will need to review and re-assess consents annually to ensure that reasons relating to public interest such as public safety, public policy, security etc are considered within appropriate times (ORRPI).

**Question 10.1:** *Whether lengthening the duration of licences would have a positive, negative or neutral impact on the ability of new street traders to obtain licences to trade in your licence streets?*

We would suggest that this would give a negative effect. Issuing long term or indefinite consents could affect the local economy and the closure of businesses. Local economic factors should be taken into account when issuing consents as areas change and the suitability of issuing such consents.

**Question 10.2:**

*(i) Whether you are likely to issue licences for more than a 12 month period of indefinitely?*

*(ii) If you are likely to issue licences for a defined period which is longer than 12 months, what period you are likely to choose?*

(i) Sheffield City Council would keep to issuing consents for a maximum of twelve months. This would give the Local Authority an opportunity to assess/review the application and the trader and what is happening within the locality of the consent area. This process would ensure all the overriding issues of public interest such as public safety, policy, security and health are considered on an annual basis.

(ii) Sheffield City Council would keep to a maximum of twelve months for a consent.

**Question 12:** *Do you foresee any problems with our proposals –*

*(i) To disapply regulation 19(5) of the PSR where a mandatory ground for refusal of the application exists; or*

*(ii) To leave it to local authorities to decide whether to put arrangements in place to disapply the regulation in other circumstances, or to specify what conditions will automatically attach to a licence which is deemed to have been granted under regulation 19(5)? Please give reasons for your views (see paragraphs 1.51 – 1.53)*

(i) We would foresee some problems as there may be other overriding reasons in the public interest that we may need to refuse an application other than mandatory grounds. We would need to ensure that the applicant is suitable as they could be in contact with children and vulnerable persons, there may be traffic regulation orders that make it unsafe for any trader to be located there.

(ii) As a Local Authority, we would prefer that we can put arrangements in place to disapply the regulation in other circumstances. We would then be able to take into account issues of public interest and present the case to a Licensing Committee for determination if required.

**Question 13:** *Do you foresee any problems with our proposals to allow local authorities to relax the prohibition in paragraph 7(7) in its entirety where appropriate? (see paragraphs 1.54 -1.57)*



We foresee no issues or problems with the proposals to allow a relaxation in paragraph 7(7) in its entirety where appropriate. Applicants would be treated fairly and give them more scope and variety of the type of business they wish to promote.

**Question 14:** *Do you foresee any problems with our proposals to amend paragraph 10(1)(d)? (See paragraph 1.59 above)*

We foresee no problems with your proposals to amend paragraph 10(1)(d).

**Question 15:** *Please can local authorities tell us about any other local Acts regulating street trading which are not listed at Annex B of this document (or any Acts listed in Annex B which have in fact been repealed).*

There are no further local Acts to disclose other than the South Yorkshire Act 1980 – sections 67-78 which are already listed at Annex B of your document.

**Question 15.1:** *Please can local authorities tell us-*

- (i) whether having screened your local street trading Acts for compliance with the Directive, amendments /repeals need to be made to that legislation;*
- (ii) if such amendments/ repeals are needed whether you wish us to include them in our regulations.*

- (i) Yes - South Yorkshire Act 1980 – sections 67-78
- (ii) Yes, we would require the repeal in the regulations.

**Question 16:** *Please can local authorities tell us-*

- (i) what consequential amendments are needed to the provisions listed in Annex C as a result of the repeal of the Pedlars Acts (and provide appropriately drafted provisions);*
- (ii) whether any consequential amendments are needed to other provisions of local Acts as a result of the repeal of the Pedlars Acts (and, if so, provide appropriately drafted provisions);*
- (iii) if any of the provisions listed in Annex C are no longer in force.*

(i) Section 78 of the South Yorkshire Act 1980 require consequential amendments as a result of the Pedlars Act.

(ii) None.

(iii) South Yorkshire Act 1980 is still in force.

**Question 17:** *Can local authorities tell us-*

- (i) what consequential amendments are required to the provisions of local Acts listed above at paragraph 1.73 as a result of our proposed amendments to Schedule 4 to the LG(MP)A, and provide appropriately drafted provisions?*
- (ii) whether (and, if so, what) consequential amendments are required to any other provisions of local Acts as a result of our proposed amendments to Schedule 4 to the LG(MP)A (and again provide appropriately drafted provisions)?*

(i) Sections 67-77 of the South Yorkshire Act 1980 will require consequential amendments as a result of proposed amendments to Schedule 4 of the LG(MP)A.

(ii) None.

There are four authorities making up South Yorkshire, namely; Sheffield, Doncaster, Rotherham and Barnsley and the South Yorkshire Act 1980 applies to each. All four authorities agree that sections 67-78 should be repealed.

Yours faithfully

Mr Stephen Lonnia

Chief Licensing Officer

Head of Licensing

Enquiries to: **Licensing Service on 0114 2037752**



## SHEFFIELD CITY COUNCIL Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 5<sup>th</sup> February 2013

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**Subject:** **Section 13 – Criminal Justice and Police Act 2001**  
Designated Public Place Order (DPPO) - Woodhouse

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

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**Summary:** The report details the review of the Order in Woodhouse and gives evidence of the requirement to extend the Order.

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**Recommendations:** That Members consider all the information provided in the request made by the Police and any other information provided at the meeting.

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**Background Papers:**

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**Category of Report:** OPEN

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# REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE

Ref: 9/13

## Designated Public Place Orders (DPPOs) Outcome of Consultation for Woodhouse – Extension into Tannery Park

### 1.0 SUMMARY

- 1.1 At the hearing of 16<sup>th</sup> October 2012, Members of the Licensing Committee reviewed the existing DPPO in the Woodhouse area and, at the request of South Yorkshire Police, authorised wider consultation to be undertaken regarding the area of the DPPO being extended into Tannery Park.
- 1.2 The final date for comments was 14<sup>th</sup> December 2012.
- 1.3 This report details:
- the consultation carried out in accordance with the legislation; and
  - the results of the consultation.

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

- 2.1 The introduction of Section 13 of the Criminal Justice and Police Act 2001 allows Local Authorities, after consultation, to make an order identifying a designated place if they are satisfied there is an alcohol related nuisance or annoyance to the public.
- 2.2 The order does not make it a criminal offence to consume alcohol within a designated area. An offence is committed if the individual refuses to comply with a constable's request to refrain from drinking.
- 2.3 These powers are not intended to disrupt peaceful activities – bodies responsible for enforcing DPPOs must keep in mind that the power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place.
- 2.4 Extending the Order into Tannery Park could 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
- Focussing on jobs
- Business friendly

#### Values

- Long term view
- Prevention
- Enable individuals and communities

## Outcomes

- Better health and well being
- Tackling poverty and increasing social justice
- A great place to live
- Safe and secure communities

The further consultation that has been carried out as required under the legislation will give an indication of this.

### 3.0 INTRODUCTION AND BACKGROUND

- 3.1 The initial request for a DPPO in the Woodhouse area was submitted by Inspector Jason Booth, Sheffield South East Safer Neighbourhood Area on 2<sup>nd</sup> November 2010 and came into effect on 1<sup>st</sup> April 2011 – the existing area is depicted on the plan attached at Appendix ‘A’. Clearer areas plans will be available at the hearing.
- 3.2 Members reviewed the Order in October 2012 and, from the evidence provided, were satisfied the Order has been effective in reducing alcohol-related anti-social behaviour in the area.
- 3.3 Members also gave approval for further consultation to be undertaken with relevant individuals, groups and organisations on the extension of the Order into Tannery Park. A plan of the area depicting the proposed extension into Tannery Park is attached at Appendix ‘B’.
- 3.4 The minutes and resolution from October’s meeting are attached at Appendix ‘C’.
- 3.5 The consultation was carried out in accordance with Paragraph 3 of The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, i.e.:

*“3.—(1) Before making an order, a local authority shall consult—*

*(a) the chief officer of police for the police area in which the public place proposed to be identified in the order is situated;*

*.....*

*(d) the premises licence holder, the club premises certificate holder or the premises user, as appropriate, in relation to each premises in that place which it considers may be affected by the designation and which are premises in respect of which—*

- (i) a premises licence granted under Part 3 of the 2003 Act (premises licences) has effect;*
- (ii) a club premises certificate granted under Part 4 of the 2003 Act (clubs) has effect; or*
- (iii) a temporary event notice has been given so that the premises may be used for a permitted temporary activity by virtue of Part 5 of the 2003 Act (permitted temporary activities).*

- (2) *Before making an order, a local authority shall also take reasonable steps to consult the owners or occupiers of any land proposed to be identified.”*

No Club Premises Certificates are held or Temporary Events Notices submitted in the area identified in the proposals.

3.6 The following methods of consultation were used:

- (a) A newspaper advertisement was published in the Sheffield Telegraph on 15<sup>th</sup> November 2012 (attached at Appendix ‘D’);
- (b) A webpage was created on the Sheffield City Council website; and
- (c) South Yorkshire Police carried out local consultation with residents which will be detailed at the hearing.

3.7 No consultation responses were submitted directly to the Licensing Service in response to the consultation.

3.8 Inspector Jason Booth will present the outcome of the resident consultation at the hearing referring to the PowerPoint presentation attached at Appendix ‘E’.

#### **4.0 LEGISLATION AND GUIDANCE**

4.1 Section 13 of the Criminal Justice and Police Act 2001 enables local authorities by order to identify any public place in their area if they are satisfied that –

- a) nuisance or annoyance to members of the public or a section of the public; or
- b) disorder;

has been associated with the consumption of intoxicating liquor in that place.

4.2 There must be an evidential basis for designation. The guidance note attached to the Home Office Circular (013/2007) on The Local Authorities (alcohol consumption in designated public places) Regulations 2007 states at paragraph 18:

*“The local authority will want to satisfy itself that these powers are not being used disproportionately or in an arbitrary fashion which could be the case if one, isolated incident led to a designation order. Clearly there should be evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and belief that the problem could be remedied by the use of these powers. Against this background, it is possible that a single, serious incident might be sufficient to justify adoption of the powers.”*

4.3 Prior to making an order, the regulations require local authorities to consult with the Police and other interested parties in the area such as any parish or community council, licensees in the area and owners or occupiers of land identified.

4.4 Once made an order applies to all areas to which the public have access, including private land (subject to the comments made at Paragraph 5).

4.5 While it is not an offence to consume alcohol within a “designated” area, the police have powers to control the consumption of alcohol in that place. If they believe someone is consuming alcohol or intends to consume alcohol they can:

- require them to stop; and
- confiscate alcohol from people.

If someone, without a reasonable excuse, fails to comply with the officer's request they are committing an offence which can result in a penalty notice or fine. The power is discretionary.

- 4.9 A DPPO may be enforced by a police officer (and other accredited persons, under sections 41 and 42 and Schedule 5 to the Police Reform Act).

## **5.0 THE EFFECT OF A DPPO ON LICENSED PREMISES AND EVENTS IN THE AREA**

- 5.1 The Criminal Justice and Police Act 2001 ensures that pubs and clubs that have a premises licence under the Licensing Act 2003 to sell and supply alcohol can not be part of a designated public place. This includes any curtilage whether or not licensed e.g. beer gardens. But, if public areas are not included in the premises licence (such as the pavement outside a pub), the order will apply.

- 5.2 The Violent Crime Reduction Act 2006 (section 26) amended the 2001 Act to ensure that any licensed public spaces used by local authorities for community events will only be excluded from a designated public place in which they are located at times when alcohol is actually being sold or supplied and for 30 minutes thereafter.

- 5.3 The 2006 Act also separately ensures that a premises in respect of which a Temporary Event Notice (TEN) permits the supply of alcohol will also be excluded from a DPP in which it is located for 30 minutes following the supply of alcohol rather than 20 minutes as was previously the case.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 Should Members decide to make an extension to the Order, before it takes effect a further advertisement must be published in a newspaper.

- 6.2 In addition, should the extension become operational, additional signage must be installed in the extended area.

- 6.3 At the time of writing the report, it was not confirmed where the funding for the advertisement or further signage would come from.

## **7.0 RECOMMENDATIONS**

- 7.1 That members consider all the information provided in the request made by the Police and any other information provided at the meeting either in writing or verbally.

## **8.0 OPTIONS OPEN TO THE COMMITTEE**

- 8.1 To approve the extension of the Order into Tannery Park in line with the area plan attached at Appendix 'B'.
- 8.2 To defer the decision on whether to extend the order in order to obtain further evidence.
- 8.3 To determine not to extend the Order and maintain the DPPO in line with the plan depicted at Appendix 'A'.

Steve Lonnia  
Chief Licensing Officer, Head of Licensing  
January 2013

LIC/CB

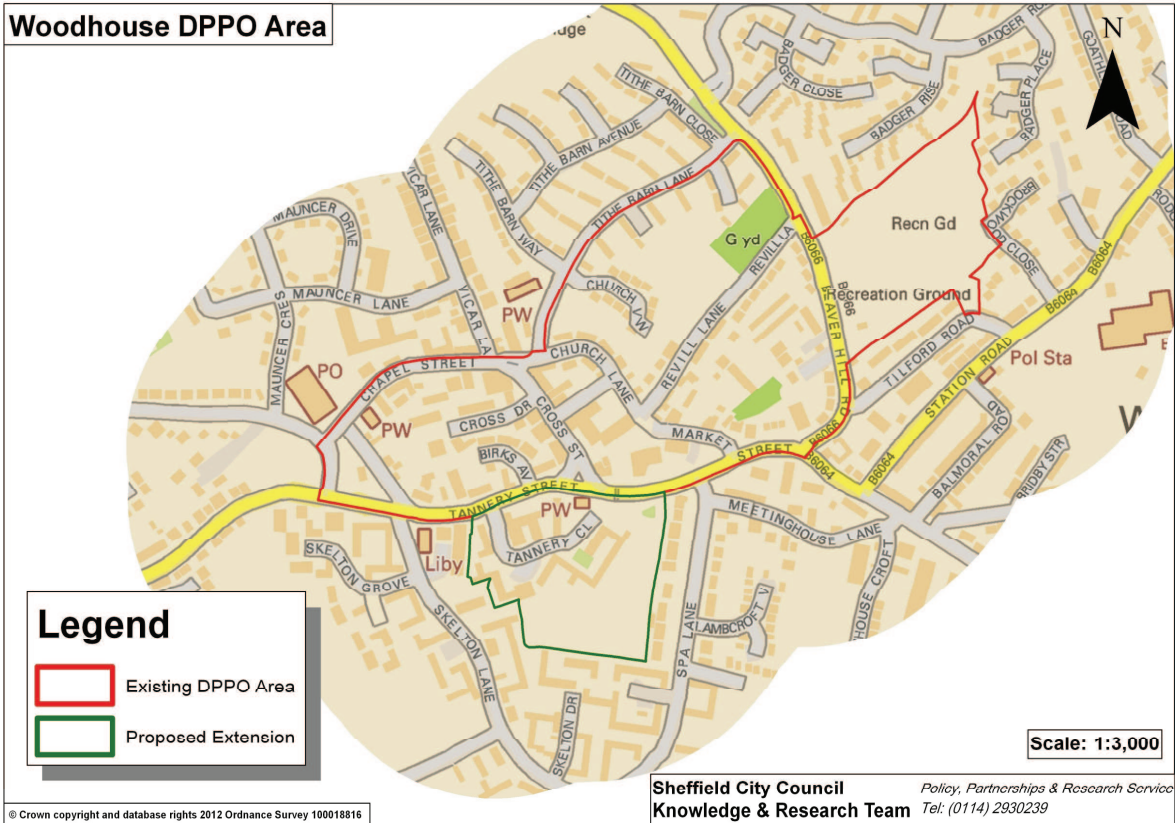


# APPENDIX 'A'



# APPENDIX 'B'

## Woodhouse DPPO Area



**Licensing Sub-Committee****Meeting held 16 October 2012**

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

**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 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), Tracy 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, Sheffield South East SNA, 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 proposed DPPO area Market Square had the greatest concentration of all alcohol-related anti-social behaviour (ASB). Incidents of ASB in the proposed DPPO area across had increased despite significant falls in ASB across the city, in fact 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 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 Tracy 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. Annes 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, redevelopment project of the planters, continue supporting and working with St. Annes 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 months, mainly during the Summer months. 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 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 zone 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 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**  
**Local Authorities (Alcohol Consumption in Designated Public Places)**  
**Regulations 2007**

NOTICE IS HEREBY GIVEN THAT **Sheffield City Council** in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 proposes to make an extension to the Order for the Woodhouse area of the city.

The Order allows a constable and other accredited persons under section 41, section 42 and schedule 5 to the Police Reform Act to require a person, in a designated place, not to drink alcohol in that place if the officer reasonably believes that a person has consumed or intends to do so, and to surrender the alcohol and any opened or sealed containers in the person's possession. It is not an offence to drink alcohol under this Order, but failure to comply with an officer's requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence.

For the purpose of this order, any public place shall mean any place to which the public or any section of the public has access. A public place does not include any premises for which a Premises Licence or Club Premises Certificate (as defined by the Licensing Act 2003) has effect or any place within the curtilage of such premises; or any premises that may be used (or have been used within the last 20 minutes) for the supply of alcohol under a Temporary Event Notice (as defined by the Licensing Act 2003).

**SCHEDULE**

A detailed plan of the proposed area can be viewed at [www.sheffield.gov.uk/WoodhouseDPPO](http://www.sheffield.gov.uk/WoodhouseDPPO) or at the Licensing reception at the Staniforth Road Depot.

If you wish to make representations about the proposed Order you should send them in writing to: The Licensing General Section, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD by **Friday 14<sup>th</sup> December 2012**.

**Steve Lonnia, Head of Licensing, Licensing Services**  
**Sheffield City Council, Town Hall, Pinstone Street, Sheffield, S1 2HH**

The Woodhouse Designated Public Place Order( from 1<sup>st</sup> April 2011)

**THE WOODHOUSE DESIGNATED PUBLIC PLACE ORDER (TANNERY PARK EXTENSION 5<sup>TH</sup> FEBRUARY 2012)**

The Woodhouse Designated Public Place Order( from 1<sup>st</sup> April 2011)

**What is a DPPO.**

Allow Police or Police Community Support Officers to confiscate alcohol in public places or require a person to stop drinking. Failure to do so can result in arrest/or fine of up to £500.

DPPOs are implemented by local councils to address alcohol related crime and disorder in public places  
 Started 1<sup>st</sup> April 2011 in Woodhouse

The Woodhouse Designated Public Place Order( from 1<sup>st</sup> April 2011)

**DPPO in Woodhouse**

- Granted from 1<sup>st</sup> April 2011 until 2015
- Problem orientated problem approach
- Balance between enforcement, education and support

The Woodhouse Designated Public Place Order( from 1<sup>st</sup> April 2011)

**THE NEXT STEP: Tannery Park Extension**

- Park constructed post DPPO application owned by assembly.
- Valuable community project –own "Friends of" group
- Mocam Installed to preserve the facilities
- Just outside original DPPO area (natural route)
- Other key park was included in DPPO.

The Woodhouse Designated Public Place Order( from 1<sup>st</sup> April 2011)

The Woodhouse Designated Public Place Order( from 1<sup>st</sup> April 2011)

**Legend**  
 Existing DPPO Area  
 Proposed Extension

Scale: 1:3,000

The Woodhouse Designated Public Place Order( from 1<sup>st</sup> April 2011)

**The Analysis**

- 18 incidents reported first nine months 2012.
- 8 specifically mention alcohol
- Underreporting – Local staff on patrol.
- Perceptions?
- Raised at community meetings as a concern, supported by local partners and the community.

The Woodhouse Designated Public Place Order( from 1<sup>st</sup> April 2011)

**The Analysis**

- Consultation of 50 residents surrounding the park conducted:
  - Drinking out of cans
  - Groups of drinkers at all times of the day
  - Being rowdy
  - Shouting arguing and swearing
  - Leaving cans and bottles behind
  - Having sex
  - Urinating in the bushes
  - Drunken makes attempting to engage with children
  - Drinking and openly smoking cannabis



### The Analysis

- This makes people feel:
- Intimidated
- Uncomfortable
- Unsafe/uneasy
- Annoyed
- Disappointed
- Reluctant to use the park
- Scared
- Nervous
- Fed up
- Need to detour/give them a wide berth
- Frightened
- Disgusted
- Angry that we can't use the park



### The Next Step

- Building upon the Woodhouse DPPO to include Tannery Park.
- Ensuring effective policing of the zone.
- Continued partnership with the community and partners to improve the area.
- Continued community support for vulnerable adults and working with St Annes.
- Ongoing Monitoring of the project including displacement.



### Questions?



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## SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

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**Report of:** Chief Licensing Officer

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**Date:** 5<sup>th</sup> February 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 – Image recording Equipment in Licensed Vehicles Review

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**Category of Report:** OPEN

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# **Report of the Chief Licensing Officer and Head of Licensing to the Licensing Committee on 5<sup>th</sup> February 2013**

## **Image recording equipment (CCTV) in Licensed Vehicles**

### **1. Purpose**

1.1 To review the Policy and specification of CCTV equipment in Licensed Vehicles.

### **2. Reason for referral**

2.1 Sheffield City Council, Licensing Sub Committee on 25<sup>th</sup> October 2012 agreed to defer a decision on making CCTV system in Licensed Vehicles a mandatory condition of the vehicle licence. The Committee wish to have more information and research into the types of systems available, costs and also await the guidance from the outcome of legal challenges.

### **3. Background**

- 3.1 Sheffield City Council, Licensing Board on 23<sup>rd</sup> May 2003 agreed a policy and a specification to allow Licensees to install image recording equipment in their licensed vehicles. A copy of the agreed specification is attached to this report at appendix A.
- 3.2 This policy was re-examined and the Board considered the policy on the 17th April 2007. The Board at that time discussed the possibility of a mandatory policy within the debate but made no changes to the policy.
- 3.3 Taxi and Private hire drivers work alone, often at night and often in remote places. They also carry money and as a result are vulnerable to assault and abuse.
- 3.4 Recently in Sheffield, we have encountered a number of attacks on drivers for differing reasons and with differing levels of abuse or violence. Most recently a driver was attacked and lost the vision in one eye which will ultimately cost him his licence to drive.
- 3.5 The issue regarding the safety of drivers was again raised in August 2005 following the London bombings (7/7), a working group was formed to look at this particular issue.
- 3.6 It was decided to run a pilot scheme by fitting cameras in a sample of a number of taxis and private hire vehicles.
- 3.7 The Pilot scheme was undertaken by funding from the Sheffield "Safer Communities" and led by Andy Christian and Shabaz Ramzan. A copy of the full report on the scheme and its affect has been circulated to the Licensing Committee and Interested Parties.
- 3.8 Members also need to consider the safety of passengers whilst being carried in licensed vehicles. Currently none of the CCTV cameras that are fitted into Sheffield Licensed vehicles would protect a passenger from an assault or attacks from a driver. Their Licensing Authorities role under the legislation is around Public Safety.

3.9 The current CCTV is primarily the type which is designed to only save images if the panic button has been pressed. The panic button is solely at the discretion of the driver to activate.

#### **4. The Current Situation**

4.1 Prior to the pilot scheme being introduced no driver/licensee had approached the Licensing Service for consent to install a CCTV camera in a licensed vehicle.

4.2 Since the completion of the pilot scheme the 33 vehicles which had the systems fitted as part of the scheme have kept those systems in place.

4.3 Currently 128 vehicles have been granted consent to install CCTV cameras. This is out of a total fleet of 2224 vehicles, this equates to just over 5% that operate a CCTV system. There may well be more vehicles that have had systems fitted that have not told the Council or applied in the proper manner for consent to have cameras in the vehicle.

#### **5. Consultation**

5.1 A copy of this report has been circulated to the various taxi and private hire trade associations, who have also been invited to this meeting. Copies of any written recommendations that have been received are attached to this report. The Licensing Service also has regularly consultation meetings with the trade association where issues are raised in relation to Policy meetings.

5.2 Both the Chief Licensing Officer and Principal Licensing Officer (Taxis) met with trade representatives at a licensing consultation meeting on 22<sup>nd</sup> August 2012 where this subject was on the agenda. The consensus from the trade is that they would be against any form of compulsory order to have CCTV fitted, and believed it should remain optional.

5.3 The trade representatives have been invited to attend this meeting to make representations to the committee.

#### **6.0 The Legal Situation**

6.1 The Licensing Committee may determine policies on any area it considers it appropriate to do so. The only legal restrictions on setting of policies are that proper consideration is given to all relevant factors and that the policy when determined is appropriate, proportionate and reasonable.

6.2 Should the Licensing Authority wish again approve the usage or alter the terms and conditions of the usage of CCTV in licensed vehicles then they will need to agree a detailed specification for the attributes of the CCTV systems in order for systems to be considered to be suitable for use.

6.3 Overt use of CCTV is permissible in most situations provided the usage complies with the legal requirements such as Data Protection and Human Rights.

6.4 The Information commissioner has recently been involved in high profile cases such as the Southampton City Council case where they introduced a mandatory CCTV condition that stated the CCTV system must be a continuous recording of both visual and audio. The information commissioner deemed the policy to be in breach of the Data Protection Protocols and intrusive into the private lives of not only drivers but also the travelling public in those vehicles.

## **7. Southampton City Council V May Court Case Judgement**

7.1 This judgement was made in November 2011 the appeal was made against the introduction of mandatory recording equipment both audio and visual in licensed vehicles in Southampton.

7.2 This was an appeal by the Council against a decision of a District Judge to allow an appeal by a licensee who wish to challenge the condition of licence which would have made him install the compulsory cameras.

7.3 The Appeal was allowed as the Judges decided that the lower Court did not have the power to make judgement on a policy and that the correct way to challenge the decision should have been by Judicial review after the inception of the policy.

Therefore they adjudged that the lower court did not have jurisdiction to overturn the policy of the Council, therefore the appeal was allowed.

7.4 The Judges added a statement, that stated –“if we had such jurisdiction, we would have found in the favour of the respondent that the policy was not lawful, and was not justified in pursuance of legitimate aims and objectives”

“If the policy were amended and the condition limited to visual recordings while the vehicle was in operation of a taxi, the policy would in our view be justified in pursuance of those legitimate aims and objectives, and therefore lawful”.

7.5 The outcome was that although the Judges sided with the appellant at the original hearing in that the condition was disproportionate and invasive. The appeal to them was not on that grounds.

## **8. Financial Implications**

8.1 There are no financial implications to the Council if any policy approved placed the responsibility for purchasing and installing CCTV in licensed vehicles upon the licensees.

8.2 Current costs of systems that would potentially meet the requirements of the Council can be purchased from a number of manufacturers and prices start from just under £300. However, these systems are very limited in what they achieve with regards to safety.

8.3 If the Licensing Authority wish to make changes to the current specification so that the system was recoding longer and that they were kept/saved for a longer period this would considerably narrow the choice of system for a licensee. The price of such

systems are not readily available, however, we would estimate that they would start from around £500.

- 8.4 The current CCTV systems installed in licensed premises under the Licensing Act must be able to save recordings for a minimum of 31 days before being erased or overwritten. There are no current vehicle systems that have the capacity to store images for that amount of time. Therefore, are there any benefits to CCTV for investigation of complaints or potential offences if they are unable to save them for a reasonable amount of time.
- 8.5 The capacity of CCTV systems are usually measured by the amount of images they can store. One of the leading products on the market currently stores between 37,500 images and 157,500 images this equates to between 1GB and 4GB of memory.
- 8.6 CCTV systems take around 8 frames per second, every frame is an image and that means that the system takes 480 images a minute that would be 28,800 images per hour. Therefore, a 1 GB system could store approximately 1½ hours worth of images. Currently the systems in use overlap the last image to save space, unless the system is activated to hold the images.
- 8.7 A system that holds a full 8 hours of a drivers shift, currently is not available and if available would need driver access to change the storage device to retain the images of each and every shift undertaken.
- 8.8 Copies of manufacturer's information documentation will be available at the meeting.

## **9.0 What needs to be considered**

9.1 Set out below are a list of questions for consideration by members. The list is not exhaustive and is just to give members an idea of the issues that need to be considered;

- Does the Licensing Authority want a voluntary or compulsory policy regarding the installation of CCTV in both Private Hire and Hackney Carriage Vehicles?
- If CCTV is to be installed by licensees is it for the protection of the driver, or the passengers or both?
- What specification of CCTV will be required to achieve the aims of any such policy?
- How long will images be required to be saved on the system?
- Will the system be initiated by the driver or by the ignition?
- Who (Police and Licensing Authority) and how can the system be accessed? (Data Protection)
- What are the costs of such a system and who will pay for it?
- How will the system be checked that it is working and fit for use?

- When would such a policy come in to place and what timescales would be given to licensees to install the system?

10. **Recommendations**

10.1 Members are asked to consider the contents of this report and any representations that may be made in writing and/or verbally at the meeting.

11.0 **Options**

11.1 To agree that the current policy is satisfactory and make no changes.

11.2 To agree that the current specification is satisfactory and make no changes.

11.3 To propose any potential changes to the policy and/or the specification as the committee consider appropriate.

11.4 To outline any potential changes to the policy and specification for further consideration and request that the Chief Licensing Officer investigate the proposals with regards to costs and the impact those changes may have and report back to a further policy meeting with a full report after consultation.

Stephen Lonnia  
Chief Licensing Officer and Head of Licensing  
Feb 2013

# APPENDIX A

Specification for Closed Circuit Television Cameras in Hackney Carriages and Private Hire vehicles.

### **1. Data Protection.**

All image recording equipment must comply with the requirements of current Data Protection legislation. Documentary evidence of compliance must be provided with any application for consent to use such equipment.

### **2. Installation.**

Equipment must be installed in such a way that it will not cause injury to the driver or the passengers.

Equipment must be secure and not interfere with the safe operation of the vehicle.

All wiring must be fused at source and appropriately routed.

### **3. Operation and image security.**

Images captured must remain secure at all times and be accessible only to Authorised Officers of Sheffield City Council, Police Officers or other bodies specifically approved by Sheffield City Council.

Some form of encryption and access code will be required to ensure permanent security of images.

Recorded images must show the date and time image was captured and identify the vehicle to which the equipment is installed.

### **4. Signage**

There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows.

#### **PASSENGER NOTICE**

This taxi/private hire vehicle is protected by a

**Digital surveillance Camera.**

Any images recorded are held in a secure format and can only be viewed by the police and the licensing authority

#### **SYSTEM PROVIDERS DETAILS**

Signs shall not be less than 88sq CM (11 x 8 cm)

The proposed signage must be submitted to the Council for approval.

The signs shall be located on each passenger door window and legible from outside the vehicle.





## SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

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**Report of:** Chief Licensing Officer

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**Date:** 5<sup>th</sup> February 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 – Long Service Awards 2012

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**Category of Report:** OPEN

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**Private hire and Hackney Carriage Licensing Long Service Awards**

1. Purpose
  - 1.1 To agree on the recipients of the 2012 Taxi and Private Hire trade long service award.
2. Background
  - 2.1 In 2007 my Chief Licensing Officer (Taxis) introduced the concept of some form of reward for Long Serving licensees. This will be the 4<sup>th</sup> year of awards. There have been 22 previous winners over the last four years.
  - 2.2 Consultation has taken place between the trades and the Chief Licensing Officer in relation to the proposal to issue a long service award which recognises the contribution made by nominated taxi licensees to the provision of a taxi service in Sheffield.
  - 2.3. The trade associations suggested following consultation initiated by my Principal Licensing Officer, Mr. Stephenson that a “Long Service” award be granted to appropriate Licensees or persons who work within the Taxi and Private Hire trade with unblemished service after a certain number of years service. It was felt that the qualifying period should be 20 years.
  - 2.4 Also to be considered is the licensing history of the person nominated and the criminal and driving history, any person with a conviction or driving offences within three years of the nomination are not usually considered for the award.
  - 2.5. Any person may nominate some one for the awards who would then be vetted against the personal record held by the Taxi Licensing Section.
  - 2.6 Nominations for the award must be made to my Principal Licensing Officer, in writing. This year there were over 30 nominations both from the trade associations and personal nominations.
  - 2.7 My Principal Licensing Officer has reviewed the history of the Licensees and has put forward a total of 12 nominations for the Licensing Board to consider as to who is to receive the award. The details of which will be circulated as appendix 1 at the meeting to Councillors only as information contain is personal and sensitive.

3. Information to be considered

- 3.1 Checks include length of unbroken service; any issue in relation to licensing legislation; any offences recorded against the person; dates of those offences; any current driving offences; warnings and defect notices; complaints and Licensing Board referrals.

4. Consultation

- 4.1 As mentioned previously above full consultation has taken place with the trades and nominees have been invited.
- 4.2 A request for nominations was circulated in November and early December 2012.
- 4.3 The Trades have been invited to this meeting.

5. Financial Implications

- 5.1 The financial cost to the Council will be minimal and will cover the costs of the Certificates.
- 5.2 There will also be a small cost of holding the awards ceremony which will be covered by the taxi licensing budget.

6. Recommendations

- 6.1 Members are asked to consider the content of this report and the nominees as suggested in Appendix 1.
- 6.2 If the Board decide to go forward with the awards to require The Chief Licensing Officer to make the appropriate arrangements.

7. Options

- 7.1 To determine this years recipients of the award.
- 7.2 To reject the proposal of long service awards.

Steven Lonnia.  
Chief Licensing Officer  
February 2013

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