

## LICENSING BOARD

**Venue:** Town Hall,  
Moorgate Street,  
Rotherham.  
S60 2TH

**Date:** Wednesday, 18 April 2012

**Time:** 9.30 a.m.

## A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Minutes of the Board held on 21st March, 2012 (herewith) (Pages 1 - 5)
4. Proprietors Request for Individual Exemption to Licensed Vehicle Conditions - Advertisements (Pages 6 - 13)
5. Exclusion of the Press and Public.

The following item is likely to be considered in the absence of the Press and Public as being exempt under the Police Act 1997 and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime)

6. Applications for the Grant/Renewal/Review of Hackney Carriage/Private Hire Drivers' Licences (reports herewith) (Pages 14 - 20)

**LICENSING BOARD  
21st March, 2012**

Present:- Councillor Wootton (in the Chair); Councillors Andrews, Barron, Dodson, Falvey, Foden, Goulty, J. Hamilton, N. Hamilton, Jack, Nightingale, Read, Sangster and Swift.

Apologies for absence were received from Councillors Buckley, Havenhand, McNeely and P. A. Russell.

**Q49. MINUTE'S SILENCE - VINCE MCNEELY.**

Members of the Licensing Board stood in silence as a token of their respect at the recent death of Vince McNeely, husband of the former Mayor, Councillor Rose McNeely.

**Q50. MINUTES OF THE BOARD HELD ON 15TH FEBRUARY, 2012.**

The minutes of the previous Licensing Board, held on 15<sup>th</sup> February, 2012, were considered.

Resolved: - That the minutes of the previous meeting of the Licensing Board be agreed as a correct record for signature by the Chairman.

**Q51. RESULT OF CONSULTATION – DESIGNATED PUBLIC PLACE ORDER.**

Consideration was given to the submitted report presented by Steve Parry, Neighbourhood Crime and Justice Manager, Neighbourhood and Adult Services, which provided an update on the consultation exercise that had been undertaken in relation to establishing a single multi-use Designated Public Place Order as prescribed by the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001. Pursuant to Minute Q29 (Single Rotherham Designated Public Place Order) of the Licensing Board held on 16<sup>th</sup> November, 2011, giving permission to enter into consultation with stakeholders, the consultation period had ended on 10<sup>th</sup> February, 2012 in relation to the areas where it had been proposed that a Designated Public Place Order take effect.

The report detailed the consultation process that had been followed. A wide-range of stakeholders had been consulted through the provision of a covering letter and legal notice. A legal notice was displayed in the Rotherham Advertiser on Friday 6<sup>th</sup> January, 2012, that identified the areas that the Order would cover and its intended effects. A consultation page was also made available on the Council's internet site.

The consultation period had lasted for twenty-eight days and stakeholders consulted included:-

The Police, the British Transport Police, Licensees of licensed premises in the proposed Designated Public Place, owners or occupiers of land that may be affected, Parish Councils, Local Councillors, South Yorkshire Passenger Transport Executive, Supermarkets, Doncaster Council, Barnsley Council and Sheffield City Council. Where requested, presentations had also been made to Area Assemblies.

At the close of the consultation, eighteen responses had been received. With the exception of one response, all comments were in favour of the introduction of a Designated Public Place Order. There was support for the Order's boundary to be extended to include areas not suggested within the original scope and also representations for the Order to cover the entire borough.

The consultation responses received were presented at appendix 1 of the submitted report, and a map that demonstrated the original scope of the Designated Public Place Order and the additional areas suggested following consultation was inspected by the Licensing Board. Also shown on the map were the areas from where no consultation responses had been received.

Based on the consultation responses it was now recommended that a borough-wide Designated Public Place Order be implemented.

The Neighbourhood Crime and Justice Manager referred to the process the Local Authority had to follow if it was to agree to implement a borough-wide Designated Public Place Order. This included satisfying itself that the Order was justified by reference to past problems of alcohol-related crime, disorder or antisocial behaviour in that place.

It was also noted that Home Office guidance stated that, if considering implementing Designated Public Place Orders borough-wide or in multiple locations, Local Authorities must be satisfied that 'nuisance or annoyance to members of the public or disorder had been associated with the consumption of alcohol in that place'. The guidance also recognised that creating designated areas may lead to anti-social behaviour being displaced into areas that had not been covered by the designation.

Justification for the provision of a borough-wide Designated Public Place Order in Rotherham included: -

- Sending out a clear message to all of our communities of the intent of the Police, Council and partners to tackle alcohol-related crime and disorder;
- A borough-wide Order would be less confusing to the public than having a number of individual areas where an Order existed;
- There was a real need to consider and address the issue of displacement of alcohol-related anti-social behaviour;
- Consultation responses and anecdotal evidence from neighbourhood forums had suggested that there were areas that did suffer from alcohol-related disorder but did not formally report them.

Discussion ensued and the following issues were raised: -

- Resources available for enforcing the proposed Designated Public Place Order;
- Communication of the proposed borough-wide Order to the areas that had not responded to the consultation exercise;
- The need to ensure that consistent enforcement happened across the borough;
- The role of the Designated Public Place Order in allowing preventative work to take place before issues escalated within communities;

- The use of the Order to further tackle issues relating to under-age purchase of alcohol;
- The positive impact that the Designated Public Place Orders already in place in the Rotherham Town Centre and Wath community were having;
- The role of Police Officers, Police Community Support Officers and Special Constables in enforcing the Order.

Resolved: - (1) That the introduction of a borough-wide Designated Public Place Order be approved.

(2) That an operational review of the Designated Public Place Order take place twelve-months from the date of commencement.

(3) That the Neighbourhood Crime and Justice Manager and the agencies who undertook the review and consultation process be thanked for the positive way that the exercise had been conducted.

**Q52. CONSULTATION RESPONSES IN RELATION TO PROPOSED 2012/13 FEE INCREASES.**

Further to minute Q45 (Licensing Services: Proposed Fees – 2012-13) of the Licensing Board held on 15<sup>th</sup> February, 2012, a further report was considered in relation to the outcome of the consultation process regarding the proposal to increase licensing fees for the 2012/13 financial year by 3.6% (rounded up to the nearest pound). This figure represented the most recent Consumer Prices Index (CPI) figure that was available at the commencement of the consultation process and related to January, 2012.

The proposed fee increase applied to the administrative and enforcement services undertaken by the Licensing Service, as detailed in appendix A of the submitted report. A number of other fees that the service charged would remain unaffected by this proposal as they were provided by external partners or legislation existed that prescribed the fee level. These fees included the testing of Private Hire and Hackney Carriages vehicles, which was carried out by Translinc, and the fees charged for administering the Licensing Act 2003, as these were set by Central Government and were standard throughout the country.

It was noted that the fees in relation to the licensing of sex establishments would not be subject to the 3.6% increase at this time as further work was underway in relation to the licensing, and associated fees, of these establishments.

The consultation process had included the placing of a public notice in the Rotherham Advertiser outlining the proposed changes. A letter was also sent to trade representatives including the Rotherham Hackney Carriage Association, Rotherham Private Hire Drivers' Association and the Rotherham Private Hire Operators' Association.

No formal responses had been received in response to this consultation.

Resolved: - That the proposed fee structure for the 2012/13 financial year in

relation to non-statutory licensing fees, as outlined in the submitted report, be approved.

**Q53. APPLICATIONS FOR EXEMPTION FROM DISPLAY OF PRIVATE HIRE VEHICLE PLATE AND DOOR SIGNS - POSH TRAVEL.**

Consideration was given to the submitted report that requested an exemption from the Local Government (Miscellaneous Provisions) Act 1976, Section 75 (3) that stated private hire vehicle plates and door signs must be displayed on a specified vehicle. This request had been made in relation to 'Posh Travel', a licensed operating company.

Agreed: - That consideration of the request be deferred pending receipt of further information.

**Q54. EXCLUSION OF THE PRESS AND PUBLIC.**

Resolved: - That the following items be considered in the absence of the Press and the Public as being exempt under the Police Act 1997 and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**Q55. DETERMINATION OF LICENSING ISSUES - HOUSE TO HOUSE COLLECTIONS.**

The Senior Licensing Officer submitted a report concerning the following applications for the grant of a licence to carry out house to house collections:-

ORGANISATION	AREA	DATE
UK National Kidney Federation	Whole of Rotherham Borough	1 <sup>st</sup> & 2 <sup>nd</sup> May, 2012, 21 <sup>st</sup> & 22 <sup>nd</sup> June, 2012, 9 <sup>th</sup> & 10 <sup>th</sup> August, 2012, 27 <sup>th</sup> & 28 <sup>th</sup> September, 2012, 15 <sup>th</sup> & 16 <sup>th</sup> November, 2012.
Children's Hearts	Whole of Rotherham Borough	1 <sup>st</sup> March, 2012, to 28 <sup>th</sup> February, 2013.

Resolved: - (1) That the application on behalf of the UK National Kidney Federation be approved.

(2) That the application on behalf of Children's Hearts be refused.

**Q56. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.**

The Licensing Board considered reports by the Director of Housing and Neighbourhood Services relating to the hackney carriage / private hire drivers' licenses in respect to Messrs. S.A., S.R. and M.Q.J..

Messrs. S.A., S.R. and M.Q.J. attended the meeting and were interviewed by the Board.

Resolved: - (1) That the hackney carriage / private hire driver's licence held by

Mr. S.A. be immediately suspended pending the receipt of further information by this Board.

(2) That Messrs. S.R. and M.Q.J. be warned about their future conduct and be issued with a final written warning.

**Q57. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES - APPLICATIONS.**

The Licensing Board considered reports by the Director of Housing and Neighbourhood Services relating to the applications for the grant of hackney carriage / private hire drivers' licences in respect to Messrs. J.S., D.H. and K.K..

Messrs. J.S., D.H. and K.K. attended the meeting and were interviewed by the Board.

Resolved: - (1) That the application in respect of Mr. J.S. be refused.

(2) That the applications in respect of Messrs. D.H. and K.K. be granted for a period of three-years, subject to passing the DSA driving test and medical examination.

	<b>Meeting:</b>	<b>Licensing Board</b>
a)	<b>Date:</b>	<b>18 April 2012</b>
b)	<b>Title:</b>	<b>Proprietors Request for Individual Exemption to Licensed Vehicle Conditions - Advertisements</b>
c)	<b>Programme Area:</b>	<b>Neighbourhood and Adult Services</b>

## 5. Summary

This report concerns a written request made to the Licensing Manager by a Licensed Driver/Proprietor/Operator, that Members of the Board consider granting the licensee an exemption to condition 6 on the private hire vehicle conditions of licence.

## 6. Recommendations

**THAT MEMBERS CONSIDER THE REPORT AND INDICATE TO THE OFFICER IF THEY ACCEPT OR REJECT THE REQUEST.**

**7. Proposals and Details**

Mr Tariq Mehrban the owner of the Operating Company “Eurocab 2000 Transport Services”, and of a vehicle currently going through the process of being licensed, has requested permission to display an advertisement in the form of the company name and phone numbers, website information, and other id on the side bodywork, rear and bonnet bodywork of the above mentioned vehicle.

The vehicle licence conditions relating to the Proprietors Licence are attached at Appendix A of this report.

Pictures of the advertisements supplied by the applicant and his email letter of explanation are attached as Appendix B of this report.

**8. Finance**

Any changes to an individual’s vehicle are entirely funded by the applicant including any related maintenance costs raised through vehicle inspections. Should the Board choose to allow the advertisements the applicant will also be required to pay the advertisement application fee.

**9. Risks and Uncertainties**

All matters should be treated in a fair and even handed way with due consideration being shown. Any failure to observe the terms and conditions of licence by licensees as laid out within the hackney carriage or private hire vehicle Conditions of Licence could result in the requirement for enforcement actions as appropriate.

**10. Policy and Performance Agenda Implications**

The provision of clear, relevant and informed decisions when considering matters ensures that elected Members make a decision consistent with the cross cutting priority theme of fairness. Furthermore enabling Elected Members to make informed and fair decisions supports the priority theme Rotherham safe by helping to ensure the public is protected from inappropriate or illegal activities of licensees.

**11. Background Papers and Consultation**

Conditions of licence for private hire vehicle proprietors.



ROTHERHAM METROPOLITAN BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**PRIVATE HIRE VEHICLE LICENCES – CONDITIONS OF LICENCE**

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

2. Alteration of Vehicle

- (a) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any conversion, modification or alteration to the vehicle which permanently allows it to carry eight or less passengers (excluding the driver) must be notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration.

3. Identification Plate

- (a) The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed by at least two mechanical fastenings directly to the rear outside of the vehicle, on a vertical part of the bodywork, in such a position that the vehicle's registration mark is not obscured, and in such a manner that the licence plate is clearly visible by daylight from the road, and also in such a manner as to be easily removable by an authorised officer of the Council or a constable. No plate may be displayed in the rear windscreen of a vehicle or on any type of bracket or fixing.
- (b) The licence plate referred to in (a) shall remain the property of the Council and shall be returned forthwith to the Head of Environmental Health, Howard Building, College Lane, Rotherham, if the Proprietor no longer holds a private hire licence issued by the Council, which is in force and has been suspended, in respect of the vehicle.

4. Safety Equipment

There shall be provided and maintained in the vehicle at all times, when it is in use or available for hire, a suitable and efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0 kgs. dry powder or 2.0 kgs. AFFF. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. All fire extinguishers must be fitted with a gauge.

5. Signs, Notices, etc.

- (1) There shall not be displayed on or from the vehicle:-
  - (a) any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or

- (b) any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.
- (2) (a) The proprietor shall cause to be affixed to both front doors of a vehicle an identification sign bearing the words "Rotherham Private Hire Vehicle", and "Insured for Advance Bookings only", together with the trading name and telephone number in a form previously approved by the Council.
- (b) condition 5. (2) (a) shall not apply on any occasion upon which a notice has been issued under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.
- (4) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.

### 6. Advertisements

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- (a) That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- (b) That the advertisement shall be the same size as the existing private hire door signs, or will cover a similar area if different in shape;
- (c) That no advertisement should promote tobacco or alcohol products;
- (d) That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- (e) That no advertisement be displayed without the written approval of the Head of Environmental Health;
- (f) That a proposed advertisement is to be submitted for approval by a licensed proprietor or operator, not individual vehicle owners;
- (g) That the licensed proprietor or operator submitting any advertisement for approval pay an appropriate fee to cover the cost of the administration involved.

### 7. Unauthorised Scanning Equipment

There shall not be installed (either permanent or temporary) in the vehicle any equipment which is capable of intercepting or listening to any radio or telephone transmission.

### 8. Change of Address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

9. Convictions

The proprietor shall within seven days disclose to the Council in writing details of ANY conviction (not just motoring convictions) imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

10. Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle he/she shall, before that person commences to drive the vehicle, cause the driver to deliver to him/her his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle and any other vehicle of his/hers.

11. Insurance

At all times the proprietor shall, during the currency of this Licence:-

- (a) keep in force in relation to the user of the vehicle as a private hire vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- (b) on being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

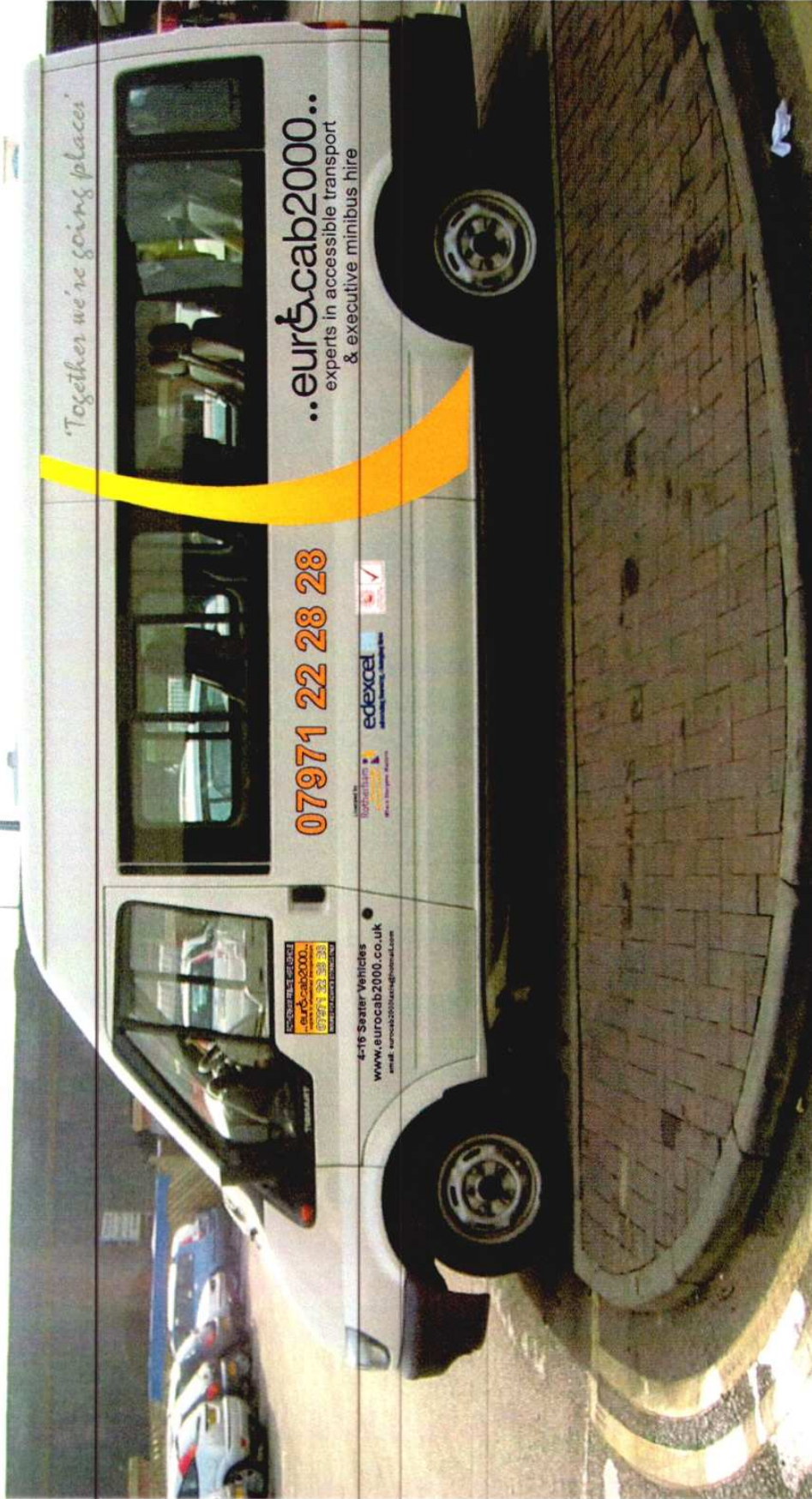
Failure to comply with this condition may result in the suspension of the vehicle licence.

12. Window Discs

- (a) The window disc provided by the Council, identifying the vehicle as a licensed private hire vehicle, shall be fixed to and exhibited at all times on the near side (passenger side) of the front windscreen in such a position where it is not obscured and so that all the particulars thereon are clearly visible by daylight, from the near side of the road.
- (b) The window disc shall be fixed to the front windscreen in such a manner as to be easily removable by any authorised officer of the Council or constable.

Notes

In addition to the foregoing Conditions, the Licensee is required to comply with statutory requirements and attention is drawn in particular to Part II of the Local Government (Miscellaneous Provisions) Act 1976.







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