

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 27 April 2020

PRESENT: Councillors Karen McGowan (Chair), Roger Davison, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Mick Rooney and Cliff Woodcraft

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(NOTE: This meeting was held in accordance with The Local Authorities and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from the Co-Chair (Councillor Andy Bainbridge) and Councillor Dawn Dale.

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. OFFICER DELEGATIONS IN RESPONSE TO THE CURRENT SITUATION WITH CORONAVIRUS (COVID-19)

4.1 The Chief Licensing Officer submitted a report seeking additional temporary delegations for himself, to enable the continued management of the Licensing Service during the ongoing situation with coronavirus.

4.2 The report indicated that such measures were required to assist the Service to continue to administer and perform the Council's statutory licensing functions, and only include the administration of the granting, renewal, transfer and variation of various licences. The Government had confirmed that it expected decision-making to continue on a normal basis and, whilst the Committee had held remote meetings, and would continue to do so, the additional temporary delegations would assist in those areas where licence holders, particularly taxi drivers, would be adversely impacted, or where certain actions, such as vehicle testing, could not take place due to the current requirements for social distancing.

4.3 The report indicated that any decisions made under the temporary delegations would be made in consultation with the Co-Chairs of this

Committee, and Legal Services, if required, and would not allow for any decisions with regard to the refusal of applications.

- 4.4 The report set out details of the various licensing functions on which decisions could be made, together with details of those hackney carriage and private hire driver licences which were due for renewal since the lockdown position had commenced.
- 4.5 In attendance for this item were Steve Lonnia (Chief Licensing Officer), Marie-Claire Frankie (Solicitor to the Committee), Clive Stephenson (Licensing Strategy and Policy Officer), Ibrar Hussain (GMB) and John Turner (Democratic Services).
- 4.6 Ibrar Hussain stated that he welcomed the proposals set out in the report, specifically the flexibility for taxi drivers, which he considered was needed in these difficult times. He reported that a number of drivers were struggling to pay their fees, and requested that the Authority gives consideration to deferring the payment of fees in the current circumstances. Mr. Hussain also requested that the Authority gives further consideration to granting exemptions on MOT/compliance tests for six months, as a number of local authorities had already done so, and to extending the vehicle age limit for a minimum of one year automatically.
- 4.7 In response, Mr. Lonnia stated that, whilst appreciating the views expressed, the report did not refer specifically to drivers' fees, and drivers had been advised to contact the Licensing Service to make individual requests for the deferral of the payment of fees. He added that the Service had already provided a detailed response to the trades with regard to MOT/compliance testing and the deferral of fees. The Service was also looking at the issue of vehicles approaching their maximum age limit, and would provide the trade with more information on this issue shortly.
- 4.8 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, Mr. Lonnia stated that if the arrangements were believed to be not working for any reason, Members could raise their concerns. The longest term that intermediate tests would be extended for was six months, but this would obviously be changed if the current situation continued longer than expected. Mr. Lonnia stressed that the delegations would only be granted whilst the current lockdown arrangements were in place, and that a report containing details of the decisions made could be submitted to meetings of the Committee, on a regular basis. It was not expected that there would be a requirement to make many decisions regarding the other licensing functions listed in the report. However, it was important that delegated powers be granted with regard to these other functions just in case, for example, where an inspection was required following an application to use premises as a civil marriage venue, and where such inspections were not able to take place due to current distancing

rules. Those hackney carriage and private hire driver cases, where a driver had criminal offences, could still be referred for consideration by the Licensing Sub-Committee. It was envisaged that granting such delegated powers would reduce the number of cases being referred to the Sub-Committee by around 20%. Mr. Lonnia stated that granting such powers would make it more simple and convenient for both the Licensing Service and the taxi drivers, and any other applicants in connection with the other licensing functions.

4.9 Mr. Lonnia stated that he could sub-delegate any powers regarding decision-making to officers in the Licensing Service, and that, due to the number of options, it would be very difficult to list all the possible decisions which would need to be made. The plan was for the Chief Licensing Officer to report on the decisions made, on a weekly basis, to the co-Chairs of the Committee, with such an update being able to be circulated to all Members of the Committee. It was expected that the vast majority of decisions would relate to hackney carriage or private hire drivers licences, particularly as there were frequent requirements for such licences to be renewed. There were also a number of private hire vehicles coming up to their nine-year age limit and there were approximately 12 medicals required each month. It was envisaged that decisions would only be made in those cases where drivers had non-serious offences, or where offences had been committed some time ago. Again, it would be difficult to draft a complete list of those scenarios that could be decided under delegated powers, and those where the cases would be referred to the Licensing Sub-Committee.

4.10 Councillor Joe Otten stated that he considered that the existing policy regarding driver referrals, with regard to criminal offences, should remain in place, in that those cases where drivers had criminal offences should continue to be referred to the Licensing Sub-Committee for consideration. Councillor Douglas Johnson proposed that powers be delegated to the Chief Licensing Officer in terms of decisions regarding vehicle testing, medical examinations, tinted windows and age of vehicles only, with powers regarding decisions regarding all other issues, including criminal offences, being referred to the Sub-Committee. In response, Mr. Lonnia stated that all new driver applications would continue to be referred to the Licensing Sub-Committee, with the powers regarding decisions in terms of renewals being delegated to himself.

4.11 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made and the responses to the questions raised;
- (b) approves the proposal to deal with Covid-19-related issues by decision-makers, departing from policy where appropriate

rather than seeking a wholesale change of existing policies:

- (c) agrees that temporary, additional delegated powers be granted to the Chief Licensing Officer with regard to the determination of all applications for the grant, renewal, transfer and variation of licences, permits and consents in relation to the licensing systems referred to in the report now submitted, with the exception of those cases where applicants have new or previously unconsidered convictions or criminal offences;
- (d) agrees that the licences which have been renewed so far, following the changes made to vehicle testing arrangements as a consequence of the coronavirus outbreak, and as set out in the report now submitted, be ratified;
- (e) requests the Chief Licensing Officer to:-
 - (i) circulate details of all the decisions made under the new additional powers, in the form of a spreadsheet, to members of the Committee on a weekly basis; and
 - (ii) submit a report containing details of the decisions made to a bi-monthly meeting of the Committee; and
- (f) agrees that the delegations be reviewed at bi-monthly meetings of the Committee.

(NOTE: Prior to the passing of the above resolution, an alternative proposal relating to hackney carriage and private hire licensing delegations moved as an amendment by Councillor Douglas Johnson and seconded by Councillor Ruth Mersereau, as follows was put to the vote and negated:-

1. to delegate to the Chief Licensing Officer a further power to determine the grant, renewal, transfer or variation of licences, permits and consents in relation to hackney carriage and private hire vehicles, only so far as:-
 - (a) tinted windows;
 - (b) the age of the vehicle;
 - (c) vehicle test requirements; and
 - (d) routine driver medical tests.
2. To approve the ratification of the vehicle renewals set out in paragraph 6.3 of the report;
3. To require the Chief Licensing Officer to report decisions made under these delegations to the Committee, in writing, including by email; and

4. To end these additional delegations no later than 27th October, 2020 (six months from today)”

The votes on the amendment were ordered to be recorded, and were as follows:-

For the Amendment (2) - Councillors Douglas Johnson and Ruth Mersereau.

Against the Amendment (9) - Councillors Roger Davison, Adam Hurst, Karen McGowan, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Mick Rooney and Cliff Woodcraft.

Abstained from voting on the Amendment (0) Nil