

# SHEFFIELD CITY COUNCIL

## Licensing Committee

### Meeting held 17 September 2015

**PRESENT:** Councillors Geoff Smith (Chair), Nikki Bond, Dianne Hurst, George Lindars-Hammond, Roy Munn, Josie Paszek, Vickie Priestley, Denise Reaney and Cliff Woodcraft

.....

#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors David Barker (Co-Chair), Neale Gibson, Anne Murphy and Zoe Sykes.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

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

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETINGS**

4.1 The minutes of the meetings of (a) the Licensing Sub-Committee held on 30<sup>th</sup> June, and 4<sup>th</sup> and 25<sup>th</sup> August 2015, and (b) the Licensing Committee held on 31<sup>st</sup> March 2015, were approved as correct records and, arising from the meeting of the Licensing Committee held on 31<sup>st</sup> March 2015, the Chief Licensing Officer reported that a full report on the review of licensing fees would be submitted to the Committee meeting to be held on 1<sup>st</sup> October 2015, or as soon after as possible.

#### **5. REVIEW OF PLYING FOR HIRE POLICY**

5.1 The Chief Licensing Officer submitted a report on a review of the Council's Plying for Hire policy and attaching, as an appendix, the current Plying for Hire policy, which had last been reviewed in June 2012. The report indicated that since the last review, there had been a number of significant legislative changes, including the introduction of the Deregulation Bill 2015, which would come into force on 1<sup>st</sup> October, 2015, and which would potentially exacerbate the problem of illegally plying for hire.

5.2 The report contained information on why illegal plying for hire was such a serious offence, public attitudes towards the danger of the practice and the enforcement action taken by the Council against offenders.

5.3 Steve Lonnia, Chief Licensing Officer, made specific reference to the dangers associated with illegal plying for hire, indicating that, in most cases, it involved unlicensed drivers and vehicles, which would not have undergone any of the

Council's standard tests and checks. Mr Lonnia stated that the drivers may also have criminal convictions and their intentions may be solely to engage in serious criminal activity. As a result of this, the lack of any legal contract deprived passengers of those legal rights afforded to them by a contract and, as well as the risks they faced, it was often very difficult, or in some cases, impossible, for the Licensing Service to investigate any complaints. Mr Lonnia stated that the majority of illegal plying for hire cases involved drivers from out of the City, and he made reference to the Deregulation Act 2015, that would permit operators to sub-contract bookings to operators licensed by other local authorities, which could potentially result in an increase in incidences of this illegal practice.

- 5.4 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), stated that, whilst he welcomed the review of the Council's Plying for Hire policy, the practice was causing major problems in the City, particularly for drivers of Hackney Carriages when they witnessed other drivers illegally plying for hire on official taxi ranks. He stated that, due to the escalation of the problem over the last few years, which was now causing major frustration and resentment for licensed drivers, there was a need for both the Licensing Service to receive adequate resources to enable staff to carry out effective enforcement action, as well as the police to recognise the seriousness of the problems, and take further action themselves. Whilst appreciating the financial cuts faced by both the Council and the police, he expressed concerns at the low number of prosecutions for the offence, indicating that he believed the last prosecution had taken place over two years ago, when a passenger was sexually assaulted by an unlicensed driver. He stated that the problem was now causing tensions between licensed Hackney Carriage drivers in connection with the queueing order on official taxi ranks. Mr Rehman concluded by suggesting that the Chief Licensing Officer should submit a quarterly report to this Committee, containing statistics in terms of enforcement action taken in respect of illegal plying for hire and other enforcement issues.
- 5.5 Mohammed Yasim, GMB, also stated that whilst he welcomed the report, he was not happy with the level of enforcement action, indicating that a significant amount of funding, through licence applications, went towards the undertaking of enforcement action, but did not consider the results were effective enough. Mr Yasim also considered that the majority of offenders were from outside the City, mainly Chesterfield and Rotherham, and that the increase in illegal plying for hire was also causing frustration and resentment from private hire drivers. As well as requesting more visible enforcement, he was not happy with the level of input from the police or the Council's Parking Services. Mr Yasim considered that there should be more detailed information contained in the report, including a financial breakdown in terms of how much was spent on enforcement work, and indicated that there was no detail in terms of any prosecutions made by the Council. He concluded by stating that licensed drivers were paying good money for the licences, but were not getting the service they deserved.
- 5.6 Steve Lonnia responded by stating that, in the light of the financial cuts being faced by the police, it was not likely that they would be able to commit resources for dealing with enforcement relating to illegal plying for hire, but they had indicated that officers could be called on by Licensing staff if they required any assistance. He added that there was not likely to be any input from Parking Services as they

only currently worked daytime/evenings. However, he was aware that the Parking Services were currently going through significant change. Mr Lonnia reported that Licensing staff were undertaking more enforcement work now than they ever had done, indicating that the Service had eight staff dedicated to enforcement action, each working one night and two days a week out of the office. This included 90 late night exercises and 150 day-time exercises. He accepted that the Service received a considerable level of income through licence applications, but considered that such income was used to provide an effective licensing service for the City.

5.7 In response to questions from Members of the Committee, Mr Lonnia stated that many neighbouring authorities used saloon cars as their equivalent of Sheffield's Hackney Carriages, including Gedling, Rossendale and North East Derbyshire, which had a very high number of licensed vehicles, which made it very difficult for the Licensing Service or the police to differentiate between the different types of vehicle. If a driver from outside the City was caught illegally plying for hire, the Licensing Service would write to the local authority they were licensed with, informing of the situation, and requesting that action be taken against the driver. The Service did not have any influence in terms of what action that local authority could take. Mr Lonnia expressed serious concerns with regard to a number of smaller neighbouring authorities, such as Gedling and Rossendale, issuing high levels of taxi licences as, with them only being small areas, a number of drivers were forced to look for fares in Sheffield. The majority of drivers stopped for illegally plying for hire comprised mainly vehicles registered out of the City, followed by vehicles licensed in Sheffield, followed by unlicensed vehicles. It was not possible, at this time, to calculate how much time was taken up in terms of enforcement action in dealing with illegal plying for hire, although such information could be recorded when staff were undertaking particular enforcement exercises. The Service could look into including such information in future enforcement reports. Members of the public could report incidences of illegal plying for hire by contacting the Service by telephone, in writing or by email, although, without all the relevant information and evidence, it would be very difficult for the Service to take any action. The Service could look into organising some form of awareness-raising campaign, as organised by other local authorities. If the Service received sufficient evidence to enable it to identify a particular driver, it would write to them warning of their responsibilities, or refer the issue to the relevant local authority.

5.8 RESOLVED: That the Committee:-

- (a) notes the information contained in the report now submitted, together with the comments now made and the responses to the questions raised;
- (b) acknowledges the enforcement action currently being undertaken by the Licensing Service, in respect of illegal plying for hire;
- (c) requests:-
  - (i) staff to continue to undertake as much targeted enforcement action, in connection with illegal plying for hire, as possible;

- (ii) staff to continue liaising with colleagues in neighbouring authorities in connection with the carrying out of enforcement action regarding illegal plying for hire;
  - (iii) the Co-Chairs and the Chief Licensing Officer to meet with the Police and Crime Commissioner for South Yorkshire, to highlight the seriousness of illegal plying for hire; and
  - (iv) officers in the Licensing Service to give consideration to organising a campaign regarding raising awareness of the dangers associated with illegal plying for hire;
- (d) following a review, approves the Council's policy in relation to illegal plying for hire, as follows:-
- (i) Because of the potentially serious consequences of the offence, offenders will be prosecuted (where there is considered to be sufficient evidence to secure a conviction and it is in the public interest to do so);
  - (ii) Officers must endeavour to recover the costs of prosecutions from those convicted in order to reduce the financial burden on licensed drivers who work within the law;
  - (iii) Officers refer any current licensed drivers to the Licensing Sub-Committee at the point that there is sufficient evidence for the Licensing Service to submit a file for legal proceedings to be brought against that driver;
  - (iv) Unless there are exceptional circumstances, offenders should expect to have any licences they hold immediately revoked and/or any application for a licence refused;
  - (v) Councillors' confirm that they deem that this offence is a matter of public safety and any revocation of a licence would be done under Section 52 Road Safety Act 2006, which amends Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, which means any revocation would be with immediate effect;
  - (vi) The use of officers as passengers be endorsed as a method of enforcement, and instruct the Chief Licensing Officer and Head of Licensing to carry on conducting enforcement activity against this illegal activity;
  - (vii) A copy of this report, the resulting resolution and policy is made available to the Courts when relevant cases are being considered;
  - (viii) That delegated authority be given to the Chief Licensing Officer and Head of Licensing to organise enforcement operations in response to intelligence and/or information received that brings to his attention a problem/issue with plying for hire in any area of the City; and

- (ix) That the wording of this policy be included in the proposed new policy documents that are currently been drafted ready for consultation; and
- (e) undertakes to further review the policy, in the light of the forthcoming enforcement report.

## **6. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES**

- 6.1 The Chief Licensing Officer submitted a report on a review of the current policy in relation to the duration of Private Hire and Hackney Carriage Drivers' Licences, in the light of the Deregulation Bill 2015, and containing a list of proposed revised fees to be charged for new licences.
- 6.2 The report referred to the impact of the Deregulation Bill 2015, which would come into force on 1<sup>st</sup> October 2015, requiring that Private Hire and Hackney Carriage Drivers' Licences granted by a district council shall remain in force for three years from the date of such licence, or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case. The report contained information regarding consultation held on the change, together with details of the financial implications of such a change in the law and attached, as an appendix, a table setting out proposed fees for licence applications, to become effective from 1<sup>st</sup> October 2015.
- 6.3 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), stated that, whilst he welcomed the report, he did have concerns with regard to the increase in the fees for licence applications.
- 6.4 Mohammed Yasim, GMB, stated that he was not happy with the increase in the costs, referring to a lack of a detailed breakdown of the costs and querying why the post costs element of the licence fees were not simply double, or treble from a 12 month licence, to a 24 and 36 month licence, respectively. He stated that there were no savings or benefits to drivers.
- 6.5 Steve Lonnia, Chief Licensing Officer, stated that the post costs element of the fees represented the largest increase in the fees on the basis that the majority of additional checks and associated administrative work to be undertaken on a two/three-year licence, was carried out following the grant of the licence. He reported that the legislation stated that local authorities could recover reasonable costs of administering a system in terms of the granting of licences, and believed the proposed fees, as set out in the report, represented a reasonable cost. He stated, however, that the Service's administrative costs would be monitored, and the fees would be reviewed if it was found that such administrative costs were not warranted.
- 6.6 In response to questions from Members of the Committee, Mr Lonnia confirmed that a review of the fees would be undertaken, as part of the annual fees review, in February/March 2016. He stated that whilst the Service could charge for work undertaken in connection with compliance issues, it could not, by law, charge a

separate fee for undertaking enforcement work on a driver's licence.

6.7 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) requests the Chief Licensing Officer to make arrangements for the grant of a three-year Private Hire and Hackney Carriage Driver's Licence, as from 1<sup>st</sup> October 2015, except in cases where the Licensing Sub-Committee determines otherwise, on a case by case basis;
- (c) approves the revised fees in respect of applications for Private Hire and Hackney Carriage Drivers' Licences, as set out in Appendix 'A' to the report; and
- (d) agrees that no further decisions be made upon any driver policy matters until the new policy is presented to this Committee at a meeting to be held later in the year.

## **7. PRIVATE HIRE OPERATORS' LICENCES**

- 7.1 The Chief Licensing Officer submitted a report on a review of the Council's policy in relation to the duration of a Private Hire Operators Licence, in the light of the Deregulation Bill 2015, and containing a list of proposed, revised fees payable on application for the grant/renewal of a Private Hire Operator's Licence.
- 7.2 The report made reference to the Deregulation Bill 2015, which would come into force on 1<sup>st</sup> October 2015 which, among other things, required that every Private Hire Operators Licence shall remain in force for five years or such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case. The report also contained information on the consultation held on such a change and the financial implications of the change to the Council and, attached, as an appendix, a list of proposed fees in respect of the grant of Private Hire Operators' Licences.
- 7.3 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), stated that there would be long-term implications for the trade, particularly the likely adverse effects on drivers in Sheffield, if drivers from other areas can come into the City and take bookings.
- 7.4 Mohammed Yasim, GMB, stated that he was not happy at the proposed changes, and considered that there had been a lack of scrutiny of the impacts of the changes set out in the Deregulation Bill, by this Committee.
- 7.5 In response to questions from Members of the Committee, Steve Lonnia stated that the fees for Private Hire Operators' Licences would be cheaper, following deregulation, with operators benefiting more, the longer the duration of the licence. It was very difficult to undertake any benchmarking with other local

authorities, in terms of how they were reacting to the changes in the Bill, as all the authorities were dealing with the issue at the same time. However, benchmarking work would be undertaken as part of the fees review to be undertaken in February/March 2016. Offering operators the chance to pay for their licences in instalments had not been considered a viable option as there was a likelihood that it could cost more in the long-term, specifically in terms of chasing applicants up if they failed to pay an instalment on time.

7.6 RESOLVED: That the Committee:-

- (a) note the contents of the report, together with the comments now made and the responses provided to the questions raised;
- (b) requests the Chief Licensing Officer to make arrangements for the grant of a five-year Private Hire Operator's Licence, as from 1<sup>st</sup> October 2015, except in cases where the Licensing Sub-Committee determines otherwise, on a case by case basis; and
- (c) approves the revised fees, as set out in Appendix 'A' to the report, regarding applications for Private Hire Operators' Licences.

This page is intentionally left blank