

Notes of SO58 urgent decision teleconference with Chief Executive - Licensing Delegations - Thursday 4th June 2020

Purpose: David Williams, Chief Executive, held a virtual meeting (via MST) to consult on the urgent decision required on the temporary change in licensing delegations: powers to suspend and revoke Private Hire and Hackney Carriage Licences.

Reason for urgency

Due to the next Council meeting not being due until 21 July 2020 and having regard to the current Government restrictions due to the coronavirus outbreak, this decision was needed, with the necessary consultation taking place, in order to ensure that the statutory functions relating to hackney carriage and private hire licensing be administered efficiently and in accordance with the legislation.

The Licensing Manager had asked that current delegations to officers be temporarily extended so as to enable the suspension or revocation of licences for non-payment of fees or failure to provide documentation and that where it appears the interests of public safety require, in relation to the provision of documentation or payment of fees, officers be able to revoke or suspend driver's licences with immediate effect.

Teleconference Attendees:

Consultees - Cllrs Gerald Vernon-Jackson CBE (Leader of the Council), Donna Jones (Leader of the Opposition) and Cllr Leo Madden (Chair of Governance & Audit & Standards Committee)

Also present - Cllr Claire Udy (Chair of Licensing Committee) and Cllr Scott Payter-Harris (Vice-Chair of Licensing Committee)

Officers - David Williams Chief Executive, Nickii Humphreys Licensing Manager and Ben Attrill (Legal Adviser to the Licensing Committee)

The Standing Order 58 (SO58) referral for an urgent decision and a briefing paper produced by the Licensing Manger had been circulated to all the required consultees (and sent with their meeting invitation).

The Chief Executive asked the Licensing Manager to present her report; she explained the background to the request with the Covid-19 situation of needing to close the Licensing Office in March and the interim measures needed to deal with the administration of driver documentation and consideration of suspension and revocation of licences in the appropriate circumstances. Ben Attrill gave legal clarification on powers and reference case law (Singh v Cardiff City Council), with suspension being a final not pending measure. Ms Humphreys reported that if the documentation (including insurance details) is not provided (which is currently done so electronically) consideration needs to be given to revocation to ensure that an unsuitable vehicle is not on the road. It was not anticipated that these powers would be used widely and the trade representatives were aware of the requirement to provide documentation.

The Licensing Manager requested that these delegations be extended until 31 August 2020 to give drivers enough time to catch up on the renewals that were dating back to March and for the officers to collect the associated revenue effectively.

The Chief Executive noted that this would be reported to Council on 21 July 2020, which would give the opportunity for the powers to be further amended, if necessary.

Members' Comments

Councillor Udy hoped that assistance could be offered to drivers who may need help with using the technology. The Licensing Manager reported that there would be clear and concise instructions provided with the templates, and they would be contacted by phone.

Councillor Jones asked how the paperwork was normally dealt with; it was reported that this is an administrative process that was being dealt with remotely due to Covid-19 restrictions with drivers having to notify the Licensing Office if there changes in their circumstances. It was also confirmed that the request was to formalise emergency powers and not seeking to circumvent member decisions.

Councillor Vernon-Jackson was supportive of this approach with the safeguard of reporting to 21 July Council on the situation.

Councillor Madden was also supportive of the request.

Councillor Payter-Harris asked if consideration was being given to opening up the Licensing Office to the public with protective screens - it was reported that this safety measure was not in place but that emergency only appointments could be made to see a licensing officer there, which would be by exception. He also asked how serious cases would be dealt with and Ms Humphreys would be liaising with Hampshire Constabulary colleagues on these.

Chief Executive's Decision

David Williams took on board the comments raised at the virtual meeting, and took the decision outlined below.

DECISION: The Chief Executive considered it necessary and proportionate to approve the temporary extension (until 31 August 2020) of current delegations to officers so as to enable the suspension or revocation of licences for non-payment of fees or failure to provide documentation and that where it appears the interests of public safety require, in relation to the provision of documentation or payment of fees, officers be able to revoke or suspend driver's licences with immediate effect.

Requested Action: that this be reported to Council on 21 July 2020 (and if necessary an update be provided to consider a period of further extension)

This decision would be reported to all members via the Members' Information Service on 5 June 2020.

Meeting duration: 9.30 - 9.52 am