

Licensing Committee

Tuesday, 28th January, 2020

PRESENT: Councillor B Garner in the Chair

Councillors R Downes, B Flynn,
A Garthwaite, H Bithell, C Knight, P Latty,
J Lennox, A Marshall-Katung, A Wenham,
P Wray and L Richards

81 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

82 Exempt Information - Possible Exclusion of the Press and Public

During consideration of item 88 the Committee briefly went into private session to take legal advice pursuant to the Council's Access to Information Procedure Rules 10.4(5). There were no other items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered

83 Late Items

The Chair accepted the inclusion of an additional item onto the agenda as referred to in Minute No. 88. Members were informed that the report "Leeds City Council Suitability and Convictions Policy (Additional Report) was not available at the time of agenda publication and it was considered to be in the best interests of the Council and other parties concerned that the matter be considered without delay.

84 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

85 Apologies for Absence

Apologies for absence were received for Councillors: N Buckley, P Drinkwater and A Hutchison.

86 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meetings held on 3rd December 2019, were accepted as a true and correct record.

87 Matters Arising from the Minutes

Taxi and Private Hire Licensing - Results of the CCTV Working Group (Minute No. 76 referred) – The Taxi and Private Hire Licensing Manager reported that discussions were currently ongoing with Safer Leeds to discuss possible contributions of funding for CCTV in vehicles. It was reported that further details would be provided as information became available.

88 Leeds City Council Suitability and Convictions Policy - Additional Report

The Chief Officer, Elections and Regulatory submitted a report which informed Members of the response to the planned implementation of the new Suitability and Convictions policy since the approval of the policy at Executive Board in October.

The report also informed Members of the consultation method, both in Leeds and across West Yorkshire and York and set out the changes to the policy following the consultation. The report also explained the way the policy will be implemented and that it would be subject to review 12 months after implementation.

Members discussed recent representation from local taxi trade representatives objecting to some aspects of the council's new Suitability and Convictions policy, which would take effect from 2nd February 2020, and matches standards in taxi and private hire licensing adopted in neighbouring councils in Yorkshire, following engagement and consultation in 2018-19.

Members were informed about the way in which the new policy would affect taxi and private hire drivers with seven points or more on their driving licence for minor motoring offences. They heard that, while new applicants with seven points or more would be likely to have their application refused, existing drivers who had seven points or more, but had previously reported them to the council, in line with licensing requirements, would be likely to have their licence renewed. Existing drivers with fewer than 7 points and reporting new points would have their licences reviewed, and would be likely to be required to undertake additional driver training. However, repeat offences following additional training would be taken seriously, with the council reserving the right to remove a licence as a last resort.

The Committee discussed the setting up of a Working Group to examine the issue of drivers with points on their driving licence.

In providing clarification on the issue of points, the Taxi and Private Hire Licensing Manager explained that the officers making decisions use a 'case review' method, when an officer proposes to make a decision which does not follow the policy. This case review involves at least one, and usually two, senior managers, who review the proposed decision. It is not possible to give an exhaustive list of the factors and decisions which might be taken into account, but it was suggested a range of options could be exercised separately or in combination, using the example of minor points on a licence. For example:

Refusal of a licence to a new applicant until their points fall below 7; Additional remedial driver training for existing licence holder; Issue of a shorter licence period (e.g. 3 months) to review conduct; and revocation of an existing licence is likely to be considered if there is a pattern of complaints about poor driving, points, failure to declare points, amounting to serious infringements.

The Committee heard representation from the: GMB Union, the Unite Union and from a number of Taxi and Private Hire Associations and Operators, all were of a similar view that:

- (i) The new Suitability and Convictions policy, due for implementation on 2nd February 2020 should be suspended

- (ii) The consultation was inadequate, other neighbouring authorities had not been included
- (iii) West Yorkshire Passenger Transport were not aware of this new policy
- (iv) Many drivers had not understood the implications of the new policy
- (v) Further clarification was required around the issuing of points
- (vi) The setting up of a Working Group to look at some aspects of the new policy was welcome
- (vii) The issuing of further guidance was welcome.

(In terms of point's ii) and iii above): The six councils had taken part in consultation and engagement activity independently from West Yorkshire Combined Authority, who do not have a licensing role)

In drawing the discussion to a conclusion the Chair said that the Council remained focused on passenger safety and public confidence when travelling in taxi and private hire vehicles. He said that the City Council want to work closely in partnership with licence holders and their representatives in making sure the travelling public are safe.

RESOLVED –

- (i) To note that the Executive Board made the decision to approve the policy and it is due to come into place on 2nd February 2020.
- (ii) In response to concerns raised by the taxi and private hire trade, to agree to set up a working group as soon as possible in relation to the points for minor traffic offences issues. The working group to include at least 3 Members of the Licensing Committee and representatives from the taxi and private hire trade and other stakeholders. The working group to report back to the Licensing Committee on any proposals in relation to the points criteria. The Licensing Committee to then consider and make any necessary recommendations to the Executive.
- (iii) As a consequence it is recognised that until the working group considers the points issue that part of the new policy will not be implemented by officers who will instead revert to the current policy on points for minor traffic offences issues.
- (iv) Clarification on how this will affect current and new applicant drivers will be provided to the taxi and private hire trade.

89 Taxi & Private Hire Licensing - Proposed Working Group on Private Hire Operators, Ride Hailing Apps and Cross Border Working

The Chief Officer, Elections and Regulatory submitted a report which sought Members support for the establishment of a Working Group to review private hire operator, ride hailing apps and cross border working.

The report outlined suggested terms of reference for a working group, identifying the key issues, options and implications which need to be considered and the different groups of stakeholders or advisers who could provide input to the working group.

Addressing the report the Taxi and Private Hire Licensing Manager explained that the Council has had the current policy for private hire operators since 2014, however, for a number of related and overlapping reasons, as set out below, the policy and supporting arrangements need discussion and revision:

- An increase in the scale of private hire operators who are licenced in more than one licensing authority and operate vehicles across local authority licensing areas;
- The rise in use of smartphone apps and kiosks;
- The growth in observed cross border working (regular working outside a licence area);
- The difference between licensing authority conditions, enforcement capacity and licensing fees, which encourages 'licence shopping';
- Limited availability of wheelchair accessible vehicles in the private hire fleet; and
- Concern about the downward pressure on some fares, driver wages, and implications for passenger safety;

It was suggested the Working Group would meet on approximately 3 – 4 occasions, each session lasting between 2 – 3 hours in duration and would include representation from the trade and other interested parties.

The Chair sought expressions of interest from Members to serve on the Working Group

Councillors H Bithell and B Flynn volunteered to serve on the group, the Chair also agreed to participate.

RESOLVED -

(i) That the purpose and content of the report be noted.

(ii) To approve the Proposed Terms of Reference for the Working Group

- (iii) That Councillors H Bithell, B Flynn and B Garner be appointed as this Committee's representatives on the Private Hire Operators, Ride Hailing Apps and Crossing Border Working Group

90 2019 Review of the City Centre Cumulative Impact Policy Areas

The Chief Officer, Elections and Regulatory submitted a report which presented the annual review of the city centre areas covered by the Cumulative Impact Policy (CIP).

Addressing the report, the Principal Licensing Officer, Communities & Environment explained that this year's city centre cumulative impact assessment indicated that the red area in the lower part of the city be maintained without change. However the closure of three large premises in Albion Street has led to an area that is no longer predominantly in the night time economy. As such it is not appropriate to include it in the red area in the upper part of the city.

Referring to the closure of late night venues, Members queried if the premises licence could be transferred to other operators

Members were informed that the premises licence remained in place so the premises could be brought back into use, but the cumulative impact area could be reviewed at any time

Members queried the role of the Evening Ambassadors.

It was reported that the Council and Leeds Business Improvement District had put in place a scheme with the Evening Ambassadors. Currently the Evening Ambassadors meet and greet and provide information to visitors but there is future prospects for a street marshalling scheme.

Referring to the Street Angels, Members asked if this was a voluntary group.

Officers confirmed Street Angels was a voluntary group.

Members queried if extended hours could be granted to premises if it was outside the red zone of the Cumulative Impact Area.

Members were informed that applications for extended hours in the red zone would attract objections, but this was not necessarily the situation if the premises was outside the red zone.

RESOLVED –

- (i) That the contents of the report be noted including the police statistical report for 2019
- (ii) To endorse a new cumulative impact assessment for the city centre for 2020.

91 Licensing Committee Work Programme

Draft minutes to be approved at the meeting
to be held on Tuesday, 3rd March, 2020

Members considered the ongoing Work Programme for 2020.

RESOLVED – That the Licensing Committee Work Programme be approved

92 Date and Time of Next Meeting

RESOLVED - That the next meeting of the Committee be arranged for Tuesday, 3rd March 2020 at 10.00am in the Civic Hall, Leeds.