



LEEDS
CITY COUNCIL

LICENSING AND REGULATORY PANEL

**Meeting to be held in Civic Hall, Leeds on
Tuesday, 2nd September, 2008
at 10.00 am**

MEMBERSHIP

Councillors

S Armitage

J Dowson

J Dunn

V Morgan

B Selby

R D Feldman
(Chair)

G Wilkinson

C Townsley

D Wilson

T Grayshon

**Agenda compiled by:
Constitution & Corporate Governance
Civic Hall**

**Helen Gray
247 4355**

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To confirm the minutes of the last meeting held 1st July 2008 as a correct record</p> <p>(Copy attached)</p>	1 - 4
7	All Wards		<p>INTRODUCTION OF A PROFESSIONAL KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) setting out the training issues which it is considered will improve professional standards within the Private Hire Driver trade and including proposals for the introduction of knowledge testing for Private Hire Drivers .</p> <p>The Panel will also receive a presentation</p> <p>(Report attached)</p>	5 - 14

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	All Wards		<p>INTRODUCTION OF A REQUIREMENT FOR OCCUPATIONAL ACCREDITATION (BTEC AND NVQS) FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) setting out the training and requisite skills issues which are currently being introduced nationwide for passenger carrying services. The report seeks the Panels consideration of options for the introduction of training and BTEC/NVQ qualifications for drivers within the Private Hire and Hackney Carriage trades</p> <p>(Report attached)</p>	15 - 22
9			<p>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - LICENSING OF SEX ESTABLISHMENTS - LICENCE FEE REVIEW</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on proposals regarding the fees currently charged for applications and renewals of Sex Establishment licences</p> <p>(Report attached)</p>	23 - 28
10			<p>DATE AND TIME OF THE NEXT MEETING</p> <p>To note the date and time of the next Panel meeting as Tuesday 11th November 2008 at 10.00 am</p>	

Agenda Item 6

LICENSING AND REGULATORY PANEL

TUESDAY, 1ST JULY, 2008

PRESENT: Councillor R D Feldman in the Chair

Councillors S Armitage, J Dunn, V Morgan,
D Wilson and C Townsley

IN ATTENDANCE

T McSharry – Access Committee for Leeds
P Roberts – West Yorkshire Passenger Transport Authority (METRO)
G Bartlett – LCC Chief Highways Officer
H Claxton – LCC Traffic Engineering Manager
A Rashid – Hackney Carriage Trade Representative
B Heptinstall - Hackney Carriage Trade Representative
K Gill - Hackney Carriage Trade Representative
A Ali - Hackney Carriage Trade Representative
G Nabi - Hackney Carriage Trade Representative
D Broster – Section Head, LCC Taxi & Private Hire Licensing
C Page – LCC Taxi & Private Hire Licensing

1 **Declarations of Interest**

There were no declarations of interest

2 **Apologies for Absence**

Apologies for absence were received from Councillors Dowson, Selby, Townsley and Wilkinson

Apologies were also received from Mr D Littlewood – Access Committee for Leeds

3 **Minutes**

RESOLVED – That the minutes of the meeting held 6th May 2008 be confirmed as a correct record

4 **Matters Arising**

Taxi Ranks/Shelters

Further to minute 40 of the meeting held 6 May 2008, Mr D Broster informed the Panel of the outcome of a site visit of Leeds City Centre he had undertaken with officers from METRO and LCC Highways to view the sites of current and proposed taxi ranks. 4 sites (Merrion Street; Wade Lane; The Headrow and Lower Briggate) had been identified as suitable to accommodate three-sided slim-line shelters for use at taxi ranks. The slim-line shelters would contain temporary seating, open out onto the kerbside and include a display casement. Each shelter would cost approximately £10,000.00 to include fitting and 5 year maintenance plan. Funding for the shelters had yet to be identified

Mr Roberts added that the three sided “cantilever style” shelters did not require planning permission. In response to the suggestion that

Draft minutes to be approved at the meeting
to be held on Tuesday, 2nd September, 2008

advertisements on or within the shelters could generate revenue, he responded that these shelters were not suitable for large scale advertisements although it may be possible to place small adverts within the display casement. This would require further consideration. Mr Roberts explained the fee included standard maintenance of the shelters. If the shelters were found to be subject of excessive damage METRO would review its maintenance commitment however he confirmed the structure of the cantilever shelters was robust and did include reinforced glass. The cantilever shelter was suitable for disabled persons to access HC vehicles.

Finance – A source of funding for the shelters was still to be explored with LCC Highways, Community Safety and City Centre Management. Members noted Mr Claxton's response that the Highways budget for 2008/09 was already committed

Enforcement – Trade representatives commented the Wade Lane rank identified as suitable for a shelter was hardly used due to night time private parking. Mr Broster responded the aim of the 4 shelters was to make the ranks as good and attractive as possible to ensure they were used. Responding to the parking problem he reported on enforcement activity undertaken the previous Saturday evening in the city centre. One LCC Enforcement Officer alone had issued 50 Fixed Penalty Notices to private hire vehicles for various offences. A meeting three weeks ago between West Yorkshire Police and LCC TPH Section had secured co-operation from WYP in the form of officers to be on duty with the enforcement team every other weekend, in addition to the Parking Services Officer now on duty until 03:00 hours at weekends. These measures would bring improvements to the problems encountered by HC drivers in the city centre

Rank Usage – the Chair commented on the perceived lack of uptake of the Greek Street rank. Mr Broster confirmed the new rank, which had been created by the removal of revenue making parking metres, was not used to capacity. Members noted the response from the trade that the rank was used; however as this was a new rank it would take some time for the computer databases used by firms to locate cabs to be updated to include the Greek Street location. Furthermore, the trade commented on the lack of advertisement of the new rank so the public still made use of the nearby New Station Street rank outside the railway station. Members responded there was no better advert than a rank in full use, however agreed that advertisement of the ranks should be pursued – using the Councils' own website in the first instance to be followed by the next issue of the Leeds Newspaper

Disability issues – Members noted the comment from Mr McSharry that consideration of disability inclusion issues had previously been omitted from the process of drawing up proposed ranks. He reminded officers that disabled groups had expressed a preference some time ago for the re-instatement of the rank on Briggate near to Marks & Spencer's which had been removed when Briggate was pedestrianised. Members were supportive of this possibility being investigated. Mr Bartlett expressed concern that additional matters were being added to the schedule already being progressed by

Highways Services; he made a case for priorities being set and funding attributed as necessary and that other matters should not now divert Highways from those already identified and agreed with parties as “high priority” for the 2008/09 financial year.

Signage – in response to previous discussions on the legibility of taxi rank signage Mr Claxton displayed a draft new style sign agreed following consultation with the HC trade which was proposed to be introduced at new ranks and then rolled out to existing ranks. Each sign cost approximately £200 to be fixed to existing poles, rising to £275 if new fixtures were required. These costs would be met by the Highways Department. Members welcomed the new taxi rank sign design

5 Joint Licensing Committee and Licensing & Regulatory Panel meeting - Minutes

The minutes of the Joint Meeting were presented and the Clerk reported an amendment was necessary as the Chair of the meeting had been incorrectly noted as Councillor Wilson.

RESOLVED –

- (a) That the minutes be amended to correctly identify Councillor R D Feldman as the Chair
- (b) That subject to that amendment, the minutes of the Joint Meeting held on 3rd June 2008 be noted

6 Taxi Rank Provision - Update Report

Further to minute 40 of the Panel meeting held 6th May 2008, the Chief Highways Officer presented a report updating the Panel on the current position with regards to provision of taxi ranks in Leeds. The report also outlined the outcome of discussions held with Hackney Carriage Trade representatives and members of the Access Committee for Leeds which had been held since the last Panel meeting.

Appended to the report was a schedule of taxi ranks suggested by the trade and including the comments of the Department in response. Members noted the ranks had been discussed by all parties and priorities for each of the ranks had been set and agreed. Those recorded as “high priority” would be progressed throughout the 2008/09 financial year. Mr Claxton set out the necessary legal process of consultation and advertisement required in order to progress the implementation of the ranks. It was noted the next step would be to draw up the detail of the proposed ranks in order to consult with the trade at a meeting scheduled for September. This would be followed by a period of informal consultation with emergency services, bus operators and local residents prior to formal advertisements being placed. Members noted that the Access Committee would be invited to take part

RESOLVED – That the contents of the report be noted

7 Licensing and Regulatory Panel - Terms of Reference

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the Terms of Reference and Officer Delegation Scheme associated with the work of the Licensing and Regulatory Panel for the

2008/09 Municipal Year. These had previously been approved by Annual Council on 22nd May 2008. Also included within the report was a copy of the Code of Practice for Determining Licensing Matters

RESOLVED –

- a) To note the Terms of Reference and Officer Delegation Scheme for the Licensing and Regulatory Panel for 2008/09
- b) To note the contents of the Code of Practice for Determining Licensing Matters

8 Draft Protocol for Undertaking Site Visits

The Assistant Chief Executive (Corporate Governance) submitted a report setting out a proposed Protocol for Undertaking Licensing site visits drawn up in order to provide an element of consistency of approach and best practice for the Licensing and Regulatory Panel and the Licensing Committee

RESOLVED –

- a) That the draft Protocol for Licensing Site Visits as presented at Appendix A of the report be approved
- b) That Panel agree to have regard to the Protocol when considering any requests for site visits and during any subsequent site visits in the future

9 Date and Time of the Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 2nd September 2008 at 10.00 am



Report of the: Assistant Chief Executive (Corporate Governance)

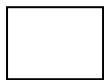
To the: Licensing and Regulatory Panel

Date: 2nd September 2008

Subject: INTRODUCTION OF A PROFESSIONAL KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS

Electoral Wards Affected:

All



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

This report sets out the training issues which it is considered will improve the professional standards of Private Hire driver's.

The key issues are improved training and the introduction of a knowledge test.

The test will cover the basic areas relevant to driving law (e. g. seat belts), Construction and Use Regulations (tyre tread depths), relevant trade legislation, disability awareness and the Conditions placed upon a licence.

The report considers different options for existing licence holders and new applicants and the administrative processes proposed by Officers.

1.0 Purpose Of This Report

- 1.1 To introduce to Members proposals for the training and testing of Private Hire driver applicants and existing licence holders

2.0 Background Information

- 2.1 The existing knowledge program for applicants applying for a licence consists of a seminar outlining the legislation and licensing Conditions. There is no testing of applicants.
- 2.2 There is evidence of non compliance across a range of issues by existing licence holders which is deliberate but may also be indicative of a general lack of knowledge or willingness to learn.
- 2.3 Members have previously indicated that it would be desirable to introduce a testing regime for Private Hire drivers.
- 2.4 Difficulties have been encountered in acquiring appropriate software to enable the introduction of such a testing facility. The manual testing of driver's was considered inappropriate and time consuming. Appropriate software has now been purchased and the testing program developed by Officers at Taxi and Private Hire Licensing.
- 2.5 Officers who deliver the training seminars would inform Members that there are strong indications of 'an attendance only' mentality amongst a significant proportion of applicants.
- 2.6 It is also the case that a significant percentage of driver's are from outside the district of Leeds and there have been complaints about Private Hire driver's who do not know their way around the city or the land marks of the city to a satisfactory standard.
- 2.7 Existing licence holders are subject to a Condition on their licence in respect of training to expected standards of service. The only available training is the 'attendance seminar' and there is no policy for referral to ensure adequate retraining of driver's.

3.0 Main Issues

- 3.1 The proposed training program (Appendix A) has been trialled over the preceding six weeks on Private Hire driver applicants and the results are illustrated at Appendix B. It should be noted that these results were without the requirement for an applicant to study in their own time prior to undertaking the test and consisted of a narrower range of questions.

- 3.2 The results in the trials were as follows: -

Had the pass mark been set at 90%, 79 (48%) of the 164 taking the test would have passed.

With a lower pass mark of 80%, 109 (66%) would have passed.

Setting the pass mark at 70%, 128 (78%) would have passed.

The full breakdown appears at Appendix B.

- 3.3 It is considered appropriate that the pass mark is set at 90%. In addition to the safety, compliance and standards of service issues, many of the areas of legislation and Conditions are 'strict liability' matters and drivers must be aware of their liability.
- 3.4 It would be beneficial to have a training structure for existing driver's also, which is proportionate and recognises the standard of compliance by the majority of licensed driver's. Such a structure would also enable a positive program of training to be undertaken by those driver's who fall short of the expected standards of compliance, service delivery or knowledge of the district of Leeds on some occasions.
- 3.5 That the necessity for training and testing is proportionate, relevant and achievable to a broad spectrum who are committed to providing a safe and quality service to the traveling public.
- 3.6 The training and materials adequately matches the level of testing and that the pass mark is appropriate to meet the expected levels of safety and service. Members will receive a full overview of the testing program at the Licensing and Regulatory Panel meeting.
- 3.7 That the resource and administration proposals adequately meet the requirements of training delivery and the needs of the trade (Appendix C.)
- 3.8 Disability awareness training needs to be accommodated to comply with Disability Discrimination legislation. It is proposed to deal with this issue by bulk purchasing training DVD's which will be appropriately charged to new applicants at the initial application and to existing licence holders at the point of renewal.
- 3.9 In the event of non compliance to the legislation or Conditions linked to disability issues it is recommended that referrals are made to Council's preferred training provider, the cost of which would be met by the licence holder.

4.0 Implications For Council Policy And Governance

- 4.1 None.

5.0 Legal, Consultation and Resource Implications

- 5.1 By virtue of Section 51 (2) of the Local Government (Miscellaneous Provisions) Act, 1976, a Local Authority can impose Conditions upon the grant of a licence and such a training and testing regime as this would be considered such a Condition.
- 5.2 Additionally, once a licence has been granted. An existing licence may be suspended for a variety of reasons, one of which is Section 61 (1) (c), 'any other reasonable cause'. If it was considered there was a requirement to undertake training and a driver was refusing or failed to pass the appropriate training test this Section would enable the Council to take suspension, revocation or refusal to renew action.
- 5.3 In October 2007 the Council's Licensing and Regulatory Panel approved Conditions upon a Private Hire driver's licence and Condition 7 describes a requirement to undertake necessary training if required. In effect, existing drivers have signed up to this Condition upon their licence and this would enable action to be taken against a driver required to undertake such appropriate training.

- 5.4 The training and how it is delivered and tested has been welcomed by Private Hire Operators and Hackney Carriage Associations during the consultation and development process. They regard it as an important step forward in driving up standards within the industry.
- 5.5 There would be a need for wider information to ensure, as far as possible, that all information has been supplied to drivers. This could be achieved by letter to every driver, information in renewal notices, use of Taxi and Private Hire website, media release, flyers to Operator bases and displays on the Sections digital information screens.
- 5.6 A position of 'Training Officer' will be created to deal with this area of work, along with other areas of essential training for the trades. The cost of this position will be passed on to applicants by way of a fee increase which will fall predominately upon new applicants, but also to a lesser degree on those existing Private Hire licence holders at the point of renewal.
- 5.7 'Audit Risk' have overviewed the process and will need to sign off integrity proposals for the administration of the process.
- 5.8 Members are advised that it would be prudent to deal with the Hackney Carriage and Private Hire issues in the same way.
- 5.9 The Council's Equality Team and Thomas Danby College have participated in the trial and they support the training and testing format. They have also supported the concept of the actual program of development for the trades.
- 5.10 The framing of the questions and answers is now being checked by the 'Plain English Group'.

6.0 Conclusions

- 6.1 That matters have been appropriately administered within the terms of the Constitution and that the recommendations are proportionate to public safety and the requirements of the Council in administering its statutory licensing function.

7.0 Recommendations

- 7.1 Members approve the training and testing proposals set out in this report.
- 7.2 Members approve the introduction of this testing regime on new applicants where those applications are received after the date of this formal approval.
- 7.3 Members approve the proposal to require the retraining and testing of existing licence holders in the event of a substantiated public complaint, non compliance to Conditions or a conviction or caution specific to the Local Government (Miscellaneous Provisions) Act, 1976. The Town Police Clauses Act, 1847, or Disability Discrimination Act, which may be reported by a member of the public, a licensed Operator or Officer of the Council. That this requirement would apply to all existing and outstanding complaints and prosecutions.

- 7.4 Members approve the recommendation that disability training be dealt with in the first instance by the supply (at the applicants expense) of the recognised 'GoSkills Disability Awareness' DVD.
- 7.5 Members approve that in the event of a substantiated complaint on a disability issue that drivers be referred to the Council's preferred training organisation for formal training at the licence holders own expense.
- 7.6 Members approve that the policy, procedure and Conditions, along with subsequent amendments to this policy, procedures and Conditions, are carried out under 'Delegated Powers'.
- 7.7 Members note the proposals to offset the cost of this program of work by an appropriate increase in fees on Private Hire driver applications and the retraining of existing licence holders.

TRAINING PROGRAM OUTLINE

The Taxi and Private Hire Section, training and testing scheme in Private Hire geographical skills has been designed to meet the needs of the Council for those Private Hire drivers wishing to work within the Leeds District. The Council requires applicants to show to the authority's satisfaction that they possess a level of:

- (a) knowledge of the law and conditions attached to the grant of a licence.
- (b) knowledge of Leeds District.
- (b) general geographical skills

In consultation with the Private Hire and Hackney Carriage trades in Leeds, this specification has been developed and is considered to represent the appropriate standard of legal and geographical knowledge that a Private Hire driver in Leeds needs to demonstrate in order to obtain a licence.

MODULE 1

Training seminar and testing of knowledge of legislation and Conditions

This module is designed to assess the fundamental skill of being able to understand the rules and regulation that a candidate is required to show when undertaking the role of a private hire driver. It is considered appropriate that candidates can demonstrate they have understood the legislation and conditions attached to the role of a Private Hire driver.

This can be achieved by requiring candidates to demonstrate under a test environment, their knowledge of the conditions and legislation. It is proposed that the assessment system would be multi choice with the candidate required to achieve a set pass mark of 90%.

MODULES 2 & 3

Geographical test – districts of Leeds and City Centre locations

These modules require the candidate to identify from test maps key locations situated within the Leeds District.

Both modules require the candidate to identify the location of key districts, tourist and business locations, places of interest and answer a question related to the selected location. It is considered appropriate that candidates can demonstrate the ability to use maps of different scales depending on the type of location. It is proposed that the assessment system would be multi choice with the candidate required to achieve a set pass mark of 90% in each module.

MODULE 4

A to Z questions

This module requires the candidate to identify various places of interest and landmarks within the Leeds district with the use of an A to Z booklet. It is considered appropriate that the candidates can demonstrate the ability of being able to understand how to use a map, index and grid referencing system.

The assessments for all four modules is conducted by the use of a multi choice testing program, with four possible responses, the candidate having to identify the correct answer.

The delivery of each module is structured in such a way that the instructor/assessor has enabled the applicant to:

- learn effectively
- demonstrate an understanding
- prove the understanding.

APPENDIX B

Date	No of Applicants	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
20/05/2008	11					1			2	5	3
22/05/2008	13					2		2	3	6	
29/05/2008	13							1	2	6	4
03/06/2008	10			1	1			3	1	2	2
05/06/2008	11			1	1				1	8	
12/06/2008	11	1					3	1	1	2	3
19/06/2008	10						2	3	2	1	2
24/06/2008	12					2	1	1	1	5	2
26/06/2008	8								1	5	2
01/07/2008	12			2		2	4	2	1		1
15/07/2008	11			1		1		2	4	1	2
22/07/2008	12					1		1	2	1	7
29/07/2008	9				2			2	1	3	1
31/07/2008	10		2	1	1		1		1	1	3
05/08/2008	11					1	1	1	7	1	
Totals	164	1	2	6	5	10	12	19	30	47	32
		0.61%	1.22%	3.66%	3.05%	6.10%	7.32%	11.59%	18.29%	28.66%	19.51%

	Amount	%
Applicants that have achieved 90%	79	48%
Applicants that have achieved 80%	109	66%
Applicants that have achieved 70%	128	78%

ADMINISTRATION AT POINT OF APPLICATION

An explanatory note setting out the training and testing process will form part of the application information so that they can make an informed decision prior to formal application and payment of the application fee.

Following formal application they will be supplied with the relevant Conditions, legislation, test maps, A to Z and disability training DVD to study.

They will not be permitted to undertake training and testing for at least one month after formal application and until after they have been successful in the English Comprehension testing by Thomas Danby.

Existing licence holder referrals who are the subject of a suspension process will remain suspended until a successful pass mark is achieved.

Existing licence holder referrals who are not suspended will have a three month time scale to attend and pass and if not achieved consideration will be given to the suspension, revocation or none renewal of the licence.

The test will have a pass mark of 90% on each test area (not collectively marked.)

There will be an automatic fail if the question(s) regarding 'plying for hire' is (are) incorrectly answered.

Priority for attendance at training and testing will be: -

1. New applicants
2. Existing licence holder referrals
3. None pass achieving above 80% in each test area
4. None pass achieving less than 80% in each area

The first re-test following retraining will be cost free. The second and subsequent training and retests will be charged at a rate of £50 (subject to an annual review.)

An application fee remains valid for one year only after the initial application, but will still require an additional CRB check, at their own expense, for any three month period since the last CRB prior to the issuing of the licence.

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Report of the: Assistant Chief Executive (Corporate Governance)

To the: Licensing and Regulatory Panel

Date: 2nd September 2008

Subject: INTRODUCTION OF A REQUIREMENT FOR OCCUPATIONAL ACCREDITATION (BTEC & NVQ) FOR PRIVATE HIRE & HACKNEY CARRIAGE DRIVERS

Electoral Wards Affected:

All

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

This report sets out the developing training and requisite skills issues which are being introduced across the United Kingdom transport sector for passenger carrying services.

The information provided at this Panel meeting will highlight the government drive for improved training, how this translates into learning development for licensed drivers and potential options for the future.

Members will be asked to consider the role of licensed drivers in providing such services to a diverse range of people and if the information provided leads Members to believe that increased levels of professional competence are requisite to the role.

If that was the case Members would need to address another key issue; the options for the introduction of such training for existing licence holders and new applicants.

1.0 Purpose Of This Report

- 1.1 To introduce to Members proposals for the training of Hackney Carriage and Private Hire drivers applicants and existing licence holders requiring them to achieve a NVQ - BTECH level of attainment appropriate to the trade

2.0 Background Information

(Existing arrangements in Leeds City Council)

- 2.1 The existing knowledge program for applicants applying for a licence consists of a seminar outlining the legislation and licensing Conditions. There has been no testing of applicants, with the exception of a local knowledge test of roads and routes for Hackney Carriage driver's.
- 2.2 There is evidence of non compliance across a range of issues by existing licence holders which may be deliberate, but which may also be indicative of a general lack of knowledge about the standards expected in service delivery or unwillingness to learn.
- 2.3 Officers who deliver the training seminars for Private Hire drivers would inform Members that there are strong indications of 'an attendance only' mentality amongst a significant proportion of applicants.
- 2.4 Existing Private Hire driver licence holders are subject to a Condition on their licence in respect of training to expected standards of service. The only available training is the 'attendance seminar' (subject to any policy change on other matters being considered by Members) and there is no policy requiring existing drivers and applicants to undertake training and accreditation to the level set out in this report.
- 2.5 The training and how it is delivered and tested has been welcomed by Private Hire Operators and Hackney Carriage Associations during the consultation and development process. They regard it as an important step forward in driving up standards within the industry. There has been a voluntary take up, by both trades.

(The Government initiative on skills training)

- 2.6 The public funded organisation with responsibility for improving training is the Learning and Skills Council (LSC) and their role is set out at Appendix A.
- 2.7 GoSkills are responsible for developing and maintaining National Occupational Standards (NOS) for the Taxi & Private Hire sector. NOS identify the competencies, knowledge and understanding that employers require from those working in their industry developing industry specific standards. They also work with other Sector Skills Councils and Standards Setting Bodies to ensure that the views of the sector are considered when they develop other standards of relevance to the sector e.g. Customer Service. All National Occupational Standards are available free of charge.
- 2.8 As part of their role, GoSkills work closely with awarding bodies and providers in the development and delivery of qualifications for the sector, contributing to the development of pre-employment qualifications, higher level qualifications, work-based qualifications and apprenticeships. Their declared aim is to ensure that the content of qualifications reflects the skills needs identified by employers

- 2.9 The standards identified for the Taxi & Private Hire trade are identified and appear within the document 'Edexcel Level 2 NVQ Road Passenger vehicle driving', the document is some 258 pages and can be viewed directly at :- <http://www.edexcel.org.uk/quals/nvq/rpt/2/rpvd/>.

An overview of the mandatory and optional skills appears at Appendix B

- 2.10 Members of the GoSkills organisation will be present to assist the Panel with an overview of the Government initiative, the national picture on the trade and particularly the design and benefits of this industry based NVQ and BTEC.
- 2.11 It will also be an opportunity for Members to hear first hand the impact there has been on the trade, perhaps particularly in relation where there may be concerns regarding a potential inability to learn because of language and comprehension issues.

3.0 **Main Issues**

- 3.1 Members will need to determine if the training is necessary and proportionate to the needs of the Councils responsibilities in today's transport environment providing a safe and quality service to the traveling public, or if it is only desirable.

- 3.2 If it is considered to be necessary then Members will need to consider the implications of that decision in terms of how it is adopted and some proposals might be:

3.2.1. That new applications for licences will require the applicant to attain the qualifications prior to the licence being granted.

3.2.2 That new applications for licences will require the applicant to attain the qualifications within 12 months of the licence being granted.

(NB: there would be some protection for the Council with such a policy if there was a knowledge screening test in place and enable licence holders to learn 'on the job'.)

3.2.3 That existing licence holders be given a time scale to attain the qualification which is reasonable to their learning needs and helpful to the training providers.

(For example December 2010 or December 2011, but there is a need to be alert as some licence holders may seek to defer for as long as possible and potentially undermine the value of the training plan. The Hackney Carriage Associations would wish to balance any timescale for those who may be leaving the trade around that period)

3.2.4 That existing licence holders need only attain the qualification in the event of some form of complaint being proven against them or a conviction or caution administered.

- 3.3 Should it be considered that this occupational accreditation is desirable, but not to be a Condition of a licence, it would be appropriate for the Panel to give an indication of any training issues they would wish Officers to address.

- 3.4 Some Private Hire Operator's who have already undertaken the training have expressed views on its value and how the training is delivered. It should be borne in mind that the training is designed for those drivers who are at the service face. What might be obvious, or easy, for a business manager can be an essential issue for a driver, and the training elements should be considered in that light.
- 3.5 Appendix B sets out the mandatory and the optional additional units a pupil can undertake. As part of the course they must undertake at least two optional units to achieve their accreditation.
- 3.6 Members may feel that there are some optional units which should be part of the learning phase, and accreditation requirement. In particular units 11, 12, 13, 14, 15, 16 and 18 appear to be relevant and Members could direct that they are considered relevant and necessary, in addition to achieving the NVQ / BTEC accreditation.
- 3.7 Currently this training is cost free, but that may expire in 2010 and there will need to be a genuine desire to undertake this training now on the part of drivers if they wish to have it free of charge. It would be costly to drivers if funding was to expire.

4.0 Implications For Council Policy And Governance

- 4.1 None

5.0 Legal, Consultation and Resource Implications

- 5.1 By virtue of Section 51 (2) of the Local Government (Miscellaneous Provisions) Act, 1976, a Local Authority can impose Conditions upon the grant of a licence and a training and testing regime as this would be considered such a Condition.
- 5.2 Additionally, once a licence has been granted. An existing licence may be suspended for a variety of reasons, one of which is Section 61 (1) (c), 'any other reasonable cause'. If it was considered there was a requirement to undertake training and a driver refused or failed to pass the appropriate training test this Section would enable the Council to take suspension, revocation action, or refuse to renew the licence.
- 5.3 There is strong support from those who have responded to this proposal from the Hackney Carriage Associations and Private Hire Operators who have followed the progress of this initiative. Go Skills have held a series of open days at the Taxi & Private Hire Licensing offices and attended the formal forums with the trades. However, there are a majority of Operators and drivers who have not taken up these opportunities. There are indications of a voluntary take-up within the trade, but despite having had the opportunities to take the initiative the indications are that there may need to be a mandatory element.
- 5.4 There would be a need for wider information for licence holders to ensure, as far as possible, that all information has been supplied to drivers. This could be achieved by a letter to every driver, information in renewal notices, use of the Taxi & Private Hire Web site, media release, flyers to Operator bases and displays on the Sections digital information screens.
- 5.5 GoSkills and Officers would also arrange open days in areas convenient for the majority of the trade to assist them in understanding and applying.

5.6 There are no undue resource implications associated to this issue for the Council as training is delivered by accredited providers.

6.0 Conclusions

6.1 That matters have been appropriately administered within the terms of the Constitution and that the recommendations are proportionate to public safety and the requirements of the Council in administering its statutory licensing function.

7.0 Recommendations

7.1 Members consider the options set out within 3.2, 3.3 and 3.6 and direct Officers to take the appropriate action on their decision (s).

7.2 That Members direct Officers that any approved policy, procedure and Conditions, along with future amendments to this policy or procedures and adjustments to Conditions are carried out under 'Delegated Powers'.

8.0 Background Papers

- Skills development in the Hackney Carriage and Private Hire Vehicle industry (report for the Department for Transport July 2008 – Author: - GoSkills)
- EDEXCEL Level 2 NVQ in Road Passenger Vehicle Driving (community transport, Private Hire vehicles and chauffeurs), logbook for candidates October 2007
- GoSkills website: - www.goskills.org
- EDEXCEL website: - www.edexcel.org
- Government training program website: - www.traintogain.gov.uk



Leading learning and skills

About the LSC

Who are we?

The Learning and Skills Council (LSC) is a publicly-funded organisation charged with building a dynamic and successful Further Education (FE) system for England, to give young people, adults and employers the high quality learning and skills they need for economic and social success.

What do we do?

- We invest in people to give them the skills they need for success in work and in life.
- We fund all learning for young people, aged 16–19 in colleges, schools and training providers, ensuring they have a full range of high quality courses to choose from, so that they gain the skills and qualifications they need to progress into further learning, including Higher Education, and employment.
- We are passionate advocates of the role of skills in supporting greater social mobility and social justice. We encourage people from all backgrounds to engage in learning that helps them to realise their full potential.
- We work with employers so that they can develop the skills of their workforce.
- We help people get new skills to support their wider ambitions and career progression.
- We help those who are not in work to get the training and support they need to get a good job. We give people the skills that local employers need, so that everyone benefits from greater economic growth.

Why do we do this?

- We know that if young people stay in some form of learning beyond the age of 16, they are far more likely to realise their full potential.
- We know that improving your skills leads to better jobs and a better quality of life.
- We know that more investment in training and skills helps our country compete more successfully in a global economy.

- We also know that gaining skills is the best route out of poverty and the best way to provide economic security for your family.

How do we do it?

We work locally, regionally and nationally to:

- **Create demand for learning and skills** – we make sure more people and employers are aware of the benefits of learning and skills, so they are more prepared to invest their time and money in them.
- **Transform the FE system** – we work on behalf of people and employers, to make sure that schools, colleges and providers offer a wide range of high quality learning and training that meets their needs and aspirations.
- **Aid economic development** – we work with partners to make sure that skills are central to economic development and support social justice.

WHAT WE DELIVER

Economic Success

- We want the FE System to deliver the skills that a successful economy and society need.
- We want all young people progressing into further learning and employment that rewards their talents and ambitions.
- We want adults to progress too, with more people updating and refreshing their skills to help them get work and progress in their chosen careers.
- We want employers to truly recognise and value the impact that developing the skills of the workforce has on boosting the productivity and competitiveness of their business.
- And we want more people and employers to recognise the value of skills and therefore invest more in gaining them.

Simplification

- We recognise how complex the FE system is. Our commitment is to try and make it simple for people and employers to gain the learning and training they need in the way that suits them best.
- And we want to simplify our own processes for the schools, colleges and providers we work with. We will continue to increase our efficiency and minimise waste so that more and more funding can be spent on front line delivery of learning and skills.

Expertise

- We are in a unique position to draw together information on skills and employment trends to inform our investment in learning and skills and to influence the activities of others.
- We understand skills: we know where the demand is and where the gaps are. We know where excellent learning and training takes place and we know where there are weaknesses that need to be addressed. We use our expertise to act as the voice on skills: advising and influencing the activities of others so that we respond collectively to the skills challenges that face us.
- Crucially, we work on the ground. Unlike most other public bodies we work locally, regionally and nationally. We listen to what local communities and employers tell us about their skills needs and aspirations and we feed that through to government. And we act on behalf of government: securing excellent value for money in the investment of public money in skills.
- Our strength is our ability to work closely with partners at all levels – connecting the local with the regional and national in a truly flexible and dynamic partnership. We recognise that we are part of a wider system: our relationships with schools, colleges and providers are critical to us – we believe that working together we can deliver more for people and employers.

APPENDIX B

Mandatory units	45
Unit 1: Ensure the health and safety in your work environment in the Road Passenger Transport Industry	47
Unit 2: Drive Community Transport, Chauffeured, Taxi or Private Hire Vehicles Safely and Efficiently	59
Unit 3: Provide Professional Customer Service in the Community Transport, Chauffeur, Taxi and Private Hire Vehicle Industries	77
Unit 4: Deal Effectively with Difficult Passengers	92
Unit 5: Deal with Emergencies and incidents during a Journey Transporting Passengers in the Community Transport, Chauffeur, Taxi and Private Hire Vehicle Industries	101
Unit 6: Provide a Transport Service in the Community Transport, Chauffeur, Taxi and Private Hire Vehicle Industries for passengers who require assistance	112
Unit 7: Achieve Effective Working Relationships with Colleagues in the Road Passenger Transport Industry	125
Unit 8: Transport Children and Young Persons by Taxi, Private Hire or Chauffeuring	137
Option units	145
Unit 9: Operate a Community Transport Service for Children and Young Persons	147
Unit 10: Operate a Community Transport Service	161
Unit 11: Transport Passengers in the Community Transport Industry who have Special Requirements	171
Unit 12: Implement Defensive Driving in the Road Passenger Transport Industry	179
Unit 13: Support Learners by Mentoring and Coaching in the Workplace	189
Unit 14: Develop and Maintain your Work Skills and Knowledge in the Community Transport, Chauffeur, Taxi and Private Hire Vehicle Industries	199
Unit 15: Routine Cleaning of Passenger Transport Vehicles	205
Unit 16: Transport Parcels, Luggage and Other Items in the Community Transport, Chauffeur, Taxi and Private Hire Vehicle Industries	213
Unit 17: Plan Routes in the Road Passenger Transport Industry	223
Unit 18: Process Fares in the Community Transport, Chauffeur, Taxi and Private Hire Vehicle Industries	231
Unit 19: Manage and Administer Small Businesses in the Community Transport, Taxi or Private Hire Vehicle Industries	239
Unit 20: Process Telephone Bookings in the Road Passenger Transport Industry	247

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Report of the Assistant Chief Executive (Corporate Governance)

LICENSING AND REGULATORY PANEL

Date: Tuesday 2nd September 2008

**Subject: Local Government (Miscellaneous Provisions) Act 1982
Licensing of Sex Establishments - Licence Fee Review**

<p>Electoral Wards Affected:</p> <p><input type="checkbox"/> Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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Executive Summary

Sex establishments, meaning a sex cinema or a sex shop are licensed under the Local Government (Miscellaneous Provisions) Act 1982. An applicant for the grant, renewal or transfer of a licence under the Act shall pay a reasonable fee determined by the appropriate authority.

Recent representation has been received from the trade who consider that the current charges are excessive and provide a comparison to the fees set by regulations under the Licensing Act 2003.

The current charges were set in 1999. It is accepted that in more recent years the administrative and enforcement duties associated with such establishments have declined. Consequently this report proposes reduced licence charges, whilst ensuring that full cost to the authority is recovered.

1.0 Purpose Of This Report

1.1 To seek Members approval in principal to the proposed fees, subject to consultation with the industry.

2.0 Background Information

2.1 This Authority presently licences six retail outlets which trade as adult shops. There are presently no licensed sex cinemas in the Leeds district.

- 2.2 The fee for a Sex Establishment was approved by the Licensing Panel in 1999. This has been subject to minor annual increments, and the current charges presently stand at :
- New Application - £11,141.51. This is recovered in the form of £6,695 initially plus a further £4,446.51 upon grant.
 - Renewal - £11,141.51
- 2.3 At the time of setting the licence charges the Leeds district was experiencing a proliferation of sex establishments, both licensed and unlicensed, attracting public complaint, and media attention, bearing additional costs for the licensing section and support services.
- 2.4 It is recognised that since the introduction of internet sales and high street stores retailing adult clothing and material (but not to the extent of requiring a licence), that the number of licensed and unlicensed sex establishments have declined. As a consequence the previous costs born by the licensing authority, particularly through investigations and enforcement have reduced.

3.0 Main Issues

- 3.1 A written representation has been received from Darker Enterprises Limited, who operate a licensed shop from North Street, Ls7, containing a formal request that the current charges be reviewed. A copy of the same may be found attached to this report.
- 3.2 Enquiries made with other local authorities reveal a varied range in charges. To draw comparisons, Members will find below a list of the core cities with their current charges for a new application and the numbers of licensed sex establishments in their areas :

Licensing Authority	Fee	No. licences	Notes
Birmingham	£9,740	15 licences for 13 premises	Challenged last yr which lead to a 25% discount for those premises which held more than 1 licence. Recognise that they need to totally review the fees.
Bristol	£14,888	No info supplied *	No info supplied*
Nottingham	£ 6,294	4	Increased last yr from £3,000
Manchester	£ 5,142	No info supplied*	No info supplied*
Newcastle	£ 6,753	2	Fee not contested to-date
Sheffield	£ 5,200	7	Fee not contested to-date
* an update will be provided at the meeting			

4.0 Proposals

- 4.1 Following a comprehensive costing exercise, the following charges are proposed :
- 4.1.1 New application & Grant of Licence : £8,098, with a refund of £1,860 if the application is refused in its entirety or withdrawn.

This amount includes the costs incurred by licensing in processing the application, including the inspection of notices, dealing with objections,

compilation of committee report, chairs brief, notices of hearing, site visit, the Panel hearing and associated costs, and decision notice.

This amount also includes an element of the licensing sections costs post grant of the licence, such as the annual compliance check with a contribution to the investigation of unlicensed operators. This particular aspect arrives at a total of £1,860 hence the commitment to refund this amount if the application is refused or withdrawn.

4.1.2 Licence Renewal : £3,271.67

This amount includes costs incurred by licensing in processing the renewal application, including the inspection of notices. History suggests that renewal applications attract little opposition, but we have factored in one opposed renewal application per year requiring a hearing before the Licensing Panel portioned between the 6 existing premises.

This figure also includes an annual licence compliance check, again with a contribution to the investigation of unlicensed operators which arrived at a total cost of £1,674 which will be refunded if the renewal application is refused in its entirety or withdrawn.

4.1.3 Licence Transfer : £248

This amount includes costs incurred in processing the application, liaison with the police and prospective licence holder and the issue of the new licence.

4.2 Members may wish to note for comparison purposes that the maximum fee charged under the new Licensing Act 2003 is £1,905 (application) and £1,050 (renewal). This figure would apply to a large venue with a ratable value of £125,001 plus.

4.3 The new charges are to apply to all categories of sex establishment as licensed under the Local Government (Miscellaneous Provisions) Act 1982, including :

- Sex shops (retail outlet)
- Internet & Mail Order sales
- Sex cinema (showing R18 classification films)

5.0 Implications For Council Policy And Governance

5.1 There are no implications

6.0 Legal And Resource Implications

6.1 If Members are minded to agree the revised charges, this will result in an annual loss of revenue to the amount of £47,219.04.

6.2 It is evident that the industry is looking to challenge those authorities who maintain their existing charges without detailed justification. It is considered that Leeds' will not be in a position to justify its current charges.

7.0 Recommendations

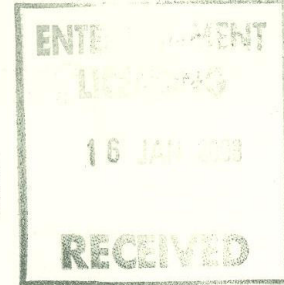
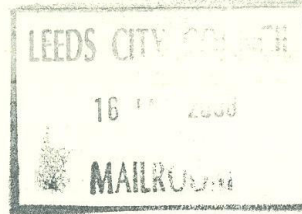
- 7.1 Members are requested to agree the revised licence charges set out at paragraph 4 above.
- 7.2 It is requested that Members approve the proposals in principal to allow the licensing section consult with members of the industry.
- 7.3 If the industry is satisfied with the proposals, it is requested that the new charges take effect forthwith.

Darker Enterprises Limited

SA

Licensing Administration
Unit C, 26 Thames Road, Barking, Essex IG11 0JA
Tel: 020 8591 8517 • Fax: 020 8507 8587
E-mail: licensing@thamesroad.co.uk

The Licensing Officer
Entertainment Licensing Department
Leeds City Council
Civic Hall
LEEDS
LS1 1UR



14 January 2008

Dear Sir/Madam

**Re: Local Government (Miscellaneous Provisions) Act 1982
Private Shop - First Floor, 209 North Street, Leeds LS7 2AA**

We are writing to you in connection with the level of licencing fees charged in respect of our licence under Schedule 3 of the above Act.

We would formally request that the level of fees charged be reviewed. As you are aware, Para 19 of the Schedule states 'An applicant for the grant, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority'.

There are a number of points which we would wish you to consider.

- Under the Act, the fee is an application fee not a licencing fee. We would submit that this means that in assessing 'a reasonable fee', the level should be set only to reflect the work involved in processing and determining the application.
- When the levels were originally set, there was no proper idea of the costs likely to be incurred in considering the application.
- There has now been considerable experience of the work generated by applications.
- It is quite clear that renewals (and, indeed, transfers) attract much lower levels of interest and representation than applications for initial grants.
- We also submit that the reasonableness of the fee should also be proportionate in relation to the various other activities licenced under the same Act. If the fee charged in respect of our type of licence is of a different order to that charged in respect of acupuncture, tattooing or ear-piercing or street trading, we feel that concerns might be raised.
- Some of the activities previously covered by the Act now come under the 2003 Licensing Act. In this case the level of fees has been set by Secretary of State for Culture, Media and Sport. It is stated that
 1. The central setting of fees removes the considerable and widespread regional inconsistencies that previously existed with fee levels.

2. The fee is to fully recover the administration, inspection and enforcement costs of licensing authorities, which arise out of carrying out their licensing functions under the Act.
- Again, we would submit that the reasonableness of fees should be judged against the fees levels set by central government. For example, we note that the fee for the transfer of a premises licence is set at £23. Even if the multipliers (of the fee) in respect of large premises supplying alcohol were applied, the fee levels, set centrally, do not even begin to approach that set in respect of our licence.

We would submit that given the changes in circumstances, the current level of our renewal fee can no longer be considered reasonable. We would request that it be reviewed and reduced to a level proportionate to the other licence fees set by the council.

You will realise that the fee is a significant factor in determining the viability of our operations. We think that not only is the fact that the Council now has clearer evidence of the work involved, but, that the Government has set some fee levels, should combine to ensure that any review will lead to a drastic reduction in the level set.

Thank you for considering this. If we can assist further in any way, please do not hesitate to contact us.

Yours faithfully
for and on behalf of
DARKER ENTERPRISES LIMITED



B Francis
Licensing Administrator