

LICENSING AND REGULATORY PANEL

TUESDAY, 7TH JULY, 2009

PRESENT: Councillor R D Feldman in the Chair

Councillors S Armitage, M Dobson, J Dunn,
T Grayshon, V Morgan, B Selby,
G Wilkinson, D Wilson and J Monaghan

IN ATTENDANCE

Mr S Turnock – Chief Officer, Legal, Licensing and Registration
Mr J Mulcahy – Head of Licensing and Registration
Mr D Broster – Section Head, LCC Taxi & Private Hire Licensing
Section

Mr M DePlacido – Taxi & Private Hire Licensing Section
Mr M Johnson – Taxi & Private Hire Licensing Section

Mr D Littlewood – Access Committee for Leeds
Mr T McSharry – Access Committee for Leeds

Mr B Chard – GMB Leeds Private Hire Association
Mr K Ahmed – City Cabs
Councillor M Iqbal
Councillor A Hussain
Mr J Akhtar – Chair, Leeds Private Hire Association
Mr J Akhtar – Hackney Carriage Representative
Dr M Taylor – interested resident of Hyde Park & Woodhouse
Mr G Ahmed – Hackney Carriage Representative
Mr K Gill - Streamline

Plus approximately 130 representatives of both the Hackney Carriage
and Private Hire trades

1 Late Items

There were no formal items as such however the results of a consultation with private hire service users undertaken by the GMB was presented to the meeting. The documentation included 700 responses (minute 5 refers)

An additional document was tabled by Mr K Ahmed during his representation to the Panel (minute 5 refers)

2 Declarations of Interest

The following Members declared personal interests in Item 5 of the agenda relating to the Age Criteria conditions (minute 5 refers) for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Councillor Dunn as a lifelong member of the Transport and General Workers Union (TGWU)

Councillors Selby and Dobson as members of General Municipal and
Boilerworkers Union (GMB)
Councillor Grayshon as a member of the union UNITE

3 **Minutes**

RESOLVED – That the minutes of the meeting held 3rd March 2009 be agreed as a correct

4 **Proposals to Change the "Age Criteria" condition Upon Hackney Carriage and Private Hire saloon and people carrier Vehicle Licences**

Further to minute 32 of the meeting held 3rd March 2009 when Panel received an interim report, the Assistant Chief Executive (Corporate Governance) submitted a further report on the proposals to change the "Age Criteria" condition upon Hackney Carriage (HC) and Private Hire (PH) saloon and people carrier vehicles.

The report included the following appendices:

A - Vehicle Inspection Results (of both private hire and hackney carriage vehicles over 6 and 7 years of age)

B - Consultation document issued March 2009 on the proposed changes

C - Summary of consultation responses from the trade with officer comments

D - Department for Transport – extracts from Best Practice Guidance

E - Draft of the proposed Testing Regime

The Head of Licensing and Registration introduced the report and set out the additional consultation undertaken since March 2009 when the interim report had been presented. The Chief Officer, Legal, Licensing and Registration detailed the various consultation methods undertaken and reported that the responses received from the trade had informed the proposals now before Panel. It was noted that the proposals had been amended since the March 2009 Panel meeting.

The Section Head, Taxi & Private Hire Licensing (T&PHL) reported the proposals had arisen from concerns expressed previously by Panel Members over the condition of some vehicles within the PH and HC fleets and due to concerns over the results of the subsequent systematic testing of older vehicles within the fleets (detailed at Appendix A).

The Section Head sought to dispel the concerns of the trade by confirming the 6 year age criteria would not remove vehicles aged 6 years and over from the fleets, but require those vehicles to undergo an annual testing regime to ensure acceptable safety, mechanical and maintenance standards. Vehicles could continue to be licensed past 6 years. The tests would be in line with Department for Transport Best Practice Guidance (included at Appendix D) which had recognised the additional mileage and wear & year experienced by PH and HC saloon vehicles compared to ordinary family saloon vehicles and be as required by the Local Government Act 1976.

The key issues of the report, including responses to the trade consultation were outlined as:

Vehicle inspections – LCC currently had authority to inspect and charge fees for up to 3 vehicle inspections per year. Vehicles could also be stopped on the street at any time and enforcement action taken appropriately

MOT testing stations – the trade had criticised LCC for outsourcing MOT testing of trade vehicles, however officers responded that LCC had previously been criticised for only having one MOT testing station as this had not been adequate for the size of the authority

Revisions to the proposals – following consultation, the fee of £60 per test had been reduced to £30

Lifetime service history – this would allow the driver to demonstrate the vehicle had been serviced and maintained methodically during its lifetime

Risk management – the proposals were based on the principles of sensible risk management in order to properly protect the public and drivers; to target risks and to concentrate on those risks which occurred frequently

The Panel then heard details of the number of older vehicles inspected since 2006 when the testing regime was implemented and the nature of the faults and reasons for failure found by officers. Particular attention was paid to the “general” category as the trade had expressed concern that matters under this category had been used unreasonably to fail certain vehicles. It was noted that 27 vehicles in total had failed due to faults only within the general category (17 referred to licensing Conditions such as insecure seats and 10 referred to issues which would have led to MOT failures and licensing Conditions such as deficient windscreen wipers; deficient seat belts).

Members made the following comments at this point:

- Welcomed the revisions made to the proposals following the consultation
- Welcomed the input from the trade; particularly the PH trade as Members noted the PH trade had not previously sent representatives to formal Panel meetings
- Recalled the complaints made directly to Panel members regarding the condition of vehicles
- Reiterated the proposals should not aim to restrict the trades or their personal finances, but support the safety of passengers and drivers
- Concern regarding the number of drivers and vehicles failing to attend inspections and the number of vehicles that subsequently failed inspections
- Expressed the importance of drivers checking their own vehicles and those of colleagues
- Compared the age criteria limit proposed by Leeds with those of neighbouring authorities and similar sized authorities
- Noted the age criteria of comparable authorities such as Birmingham (8 year age criteria) but reiterated that vehicles over the age of 8 were not licensed, compared to Leeds proposals which would still licence a vehicle currently past 8 years and would still licence a vehicle past 6 years if this proposal was agreed

The Panel then went onto hear the representations from the following interested parties:

Mr T McSharry – Access Committee for Leeds

- Guiding principle of the policy should be the safety of the public
- Urged consideration of the proposals from the perspective of a disability impact assessment and the vulnerability of certain passengers

Mr B Chard – GMB Leeds Private Hire Association

- PH trade felt this policy proposal was extreme and were not convinced that the measures outlined within the report were necessary
- Safety issues were paramount as the vehicles were the workplace of professional drivers
- Drivers of older vehicles which had failed inspections had reported to him that the reasons for failure were minor (such as brake light bulbs not working or the last digit of the operator telephone number missing from the livery). He expressed the view that extreme measures were being proposed to deal with minor matters which could occur at any time and not just on older vehicles
- Queried the validity of the survey upon which the policy was based and stated the proposals were out of kilter with other authorities
- Urged the Panel to reject the proposals

Mr K Ahmed – JTC and City Cabs (HC trade)

- Stated the HC trade had rejected the proposals from the outset and no case had been made for the introduction of the proposals
- The examples of the defects provided could occur on any vehicle at anytime
- The consultation undertaken had not been properly advertised and an extra consultation day had to be arranged at Pudsey Town Hall to accommodate those drivers who felt they had not been included.
- The failure of that consultation day was due to the T&PHL section
- Expressed the belief that the comparable cities detailed in Appendix C had been handpicked and gave the example of London which he stated would licence vehicles up to 16 years
- Tabled a copy of a vehicle licensing inspection sheet which he stated detailed an inspection failure due to minor faults
- Stated there was no compelling evidence within the report which stated that public safety was at risk

Councillor M Iqbal – LCC on behalf of drivers

- Safety was paramount, however he felt that “safety” was being used as a slogan to gain sympathy for the policy and a balance needed to be found
- Felt the NVQ qualifications were unfair, particularly for drivers with 20 years experience
- Queried whether figures were available to show the number of accidents attributed to deficient vehicles and the number of complaints received from the public

Councillor A Hussain – LCC (following receipt of legal advice, Councillor Hussain spoke on behalf of himself as HC proprietor)

- Acknowledged that safety was a paramount consideration however stated that many drivers were concerned for their livelihoods

- The best possible solution needed to be found due to the recession as many drivers worked for small firms or owned their own cars. The additional maintenance and testing costs would have a big impact
- Vehicles were already regularly tested and he felt the proposals were a heavy handed approach
- Expressed the view that the age limit proposals would not automatically improve safety

Officers responded to the representations so far as follows:

- “extreme measures” - reiterated the proposals were in direct response to the inspection results for the city.
- 6 years was not the age a vehicle would be removed from the fleet – it could be licensed beyond 6 years
- Some other authorities automatically removed vehicles from the fleet at 8 or 10 years with no option for licensing beyond that age
- Safety features – acknowledged that items such as defective wiper blades were regarded as safety features at MOT; but reiterated their importance for safe performance of vehicle and passenger carriage in bad weather. Acknowledged that minor defects with light bulbs, wiper blades etc could occur at any age during a vehicles lifespan but stressed their importance both at inspection time and on a daily basis.
- Referred to the inspection document tabled by Mr Ahmed and explained the vehicle had not failed the inspection, but had been recorded as “fail and rectify” which required the driver to rectify the fault within 7 days and return to be checked. The vehicle was not suspended.
- Mileage – provided an example of the usage experienced by a typical HC vehicle. A vehicle first licensed in 2001 was noted to have driven 64,000 miles and by 2005 the vehicle registered 225,000 miles
- Consultation – explained that the policy was driven by the comments of the Panel members and both the HC and PH trades had been involved at an early stage through their respective Forum meetings

The representatives then continued with their submissions

Mr J Akhtar – GMB (PH trade)

- Welcomed the opportunity to take part in the discussions and noted that both trades were working together
- Noted the comments of Mr McSharry and added that some vehicles within the wheelchair accessible fleet required an upgrade and the T&PHL section should take enforcement action
- Suggested the proposals had not been generated by Panel concerns but from a “small boys club” within the PH Forum itself
- Stated there had been a 40% decrease in the trade in the city. The proposals would affect drivers who needed to replace a vehicle
- LCC already had authority to inspect vehicles up to 3 times per year
- If this policy was brought in and he went on the dole, the Panel would be responsible for taking the food out of his families mouths

Mr J Akhtar – (HC trade)

- Noted that drivers were concerned about financial impact of the policy, as well as safety issues
- LCC used to perform the MOTs at the Torre Road base, the proceeds from the administration of the HC trade had since been used to replace and upgrade that building however MOT testing had ceased. MOT tests should be brought back within LCC remit

Dr M Taylor – from the Hyde Park and Woodhouse area (not trade)

- Stated that drivers licensed outside Leeds came into the city to work at weekend. These drivers would not be affected by the proposals
- Given the economy, the PH drivers with older vehicles would suffer unreasonably
- Random testing already existed, with no objection from either trade, and this should continue as it would achieve the same results
- Suggested two ways forward
 - Defer decision today in order to establish a working party to work with the trades
 - Compromise and propose 7 years instead of 6

Mr G Ahmed – HC trade

- As the owner and driver of a wheelchair accessible HC vehicle he stated he was concerned over the length of time he could keep it on the road under this new policy

The Section Head, T&PHL responded that the proposals did not apply to wheelchair accessible vehicles

Mr K Gill – Streamline

- Stated he began working in the trade in 1983 when vehicles were tested every 6 months once they were over 4 years old.
- Most representatives at the meeting kept their vehicles in pristine condition. They should not be concerned by this policy
- The principle of the proposals required clean; tidy and mechanically sound vehicles
- Other authorities were also reducing their age criteria

On receipt of all the verbal submissions, the Panel discussed the issues raised and made the following comments:

- A well maintained vehicle would enjoy a good lifespan
- Some drivers appeared to misunderstand the proposals believing that all cars over 6 years of age would be scrapped. This was not the case
- The Panel and trade had a responsibility to the people of Leeds regarding the condition and safety of the fleet
- Noted that some of those drivers coming into Leeds at weekends from other areas were plying for hire and had a detrimental impact on the trade of Leeds' drivers. Additional enforcement staff had been employed to target those individuals
- Expressed the belief that the proposals would not affect the vast majority of drivers who maintained their vehicles in good condition
- Expressed surprise that so many representatives were concerned for colleagues who did not maintain their vehicles
- Expressed dismay at the number of vehicles that failed inspection and the number of drivers who failed to attend inspections as required

- Some Members felt the trade were not convinced that the proposals as presented would promote safety

Members expressed their view that it was imperative for the PH trade to take part in future consultations and representatives would be welcomed at future Panel meetings to ensure the input of that sector alongside the HC trade. The Chair thanked all parties for their participation.

The Panel considered a suggestion to amend the recommendation at paragraph 7.1(a) in order to replace “6 years” with “8 years” however this was not supported.

Members did not support the recommendation at 7.1(b) to reject the proposals.

The Panel considered modifying the recommendation whilst seeking to balance the views of the trade expressed at the meeting with the need to ensure the safety of the public and the implementation of a rigorous testing regime. Following a vote the Panel

RESOLVED - That having considered the proposals to reword the Age Criteria Condition (as set out at paragraph 3.9 of the submitted report) and the Inspection Regime (as set out in paragraph 3.10 and Appendix E); and having regard to the representations made at the Panel meeting, Members approved the proposal for a change to the vehicle Licensing Conditions in respect of the Age Criteria and the proposed Inspection Regime for vehicles seeking to be licensed beyond 7 years of age.

5 **Taxi and Private Hire Licensing - Best Practice Guidance**

The Assistant Chief Executive (Corporate Governance) submitted a report on the consultation undertaken by the Department for Transport in respect of best practice issues around the Hackney Carriage (HC) and Private Hire (PH) driver and vehicle licences issued by local authorities.

A copy of the most recent DfT Best Practice Guidance was included at Appendix A of the report, with the draft response on behalf of the local authority attached at Appendix B for the Panel to comment upon.

The Section Head, Taxi & Private Hire Licensing Section highlighted the responses of particular interest to the Panel relating to O Licences; Group II Medicals; stretch limousines; PH Operators and perceived trade links with organised crime.

The Panel sought clarification on the following two matters:

Intelligence Sharing - it was noted that a protocol did exist between West Yorkshire Police and T&PHL section to ensure that information on any criminal activity of drivers or operators was reported between the parties. Additionally the T&PHL section informed other local authorities of any licences revoked

Safety – Leeds Community Safety had established a fund of £25,000.00 to be allocated by the T&PHL section to address driver safety issues. Drivers and

operators wishing to install a driver safety shield or CCTV could receive grants of £100 or £250 respectively towards the cost from this fund. The funds had been targeted at the HC trade in the first instance, as journeys in HC vehicles were booked on the street. It was noted that £15,000 remained in the fund

RESOLVED –

- a) That the contents of the Best Practice Guidance issued by the DfT and the comments of the Panel be noted and
- b) That the draft response to the consultation be approved as presented to Panel and be forwarded on behalf of the Local Authority to the DfT

6 Date and Time of Next Meeting

RESOLVED – To note the following

- a) Additional meeting on Tuesday 4 August 2009 to consider an item relating to the Leeds Festival (to be held at the conclusion of the scheduled Licensing Committee)
- b) Tuesday 8th September 2009 at 10.00 am