

LICENSING AND REGULATORY PANEL

TUESDAY, 3RD MARCH, 2009

PRESENT: Councillor R D Feldman in the Chair

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

IN ATTENDANCE

Mr D Broster – Section Head, LCC Taxi & Private Hire Licensing
Ms S Robinson – LCC Taxi & Private Hire Licensing
Mr M DePlacido – LCC Taxi & Private Hire Licensing
Mr M Johnson – LCC Taxi & Private Hire Licensing
Mr S Perry - LCC Taxi & Private Hire Licensing
Mr D Hardcastle - LCC Taxi & Private Hire Licensing

Inspector J Sanderson - West Yorkshire Police

Mr R Littlewood - Access Committee for Leeds

Bill Chard - GMB Leeds Private Hire Association

Caroline Jones - GMB

Mr Q Cooper - Unite Leeds

Also in attendance:

Hackney Carriage Representatives (6)

Private Hire Representatives (37)

27 Late Items

No late items submitted, however the Chair did acknowledge the receipt of a petition from the Secretary (GMB Leeds Private Hire Association) containing the signatures of 616 Private Hire Drivers rejecting the proposal to reduce the age of cars which could be used from eight to six years. Minute No. 32 refers

28 Declarations of Interest

Councillor Selby declared a personal/prejudicial interest in agenda item No.8: (i) Information report on changes to vehicle inspection enforcement policy and procedures for Hackney Carriage & Private Hire Vehicles and Private Hire Operators. (ii) Interim report on proposals to change the “Age Criteria” condition upon Hackney Carriage & Private Hire Saloon and People Carrier Vehicle Licenses, as a member of the GMB Trades Union which also represented a number of Private Hire Drivers. Minute No 32 refers

29 Apologies for Absence

Apologies for absence were received from Mr T McSharry, Access Committee for Leeds; and Councillors Grayshon and Wilkinson

30 Minutes

The Minutes of the previous meeting held on 18th November 2008 were submitted for comment/ approval

Referring to Minute No. 21, Taxi Rank Review Phase II – Update Report, the Chair requested to know if any progress had been made.

In providing a response Mr D Broster, Section Head, LCC Taxi & Private Hire Licensing reported that the Principal Engineer, Highway Services, who presented the report at the last meeting was not in attendance. Mr Broster said a number of different agencies were involved including: West Yorkshire Police, British Transport Police, LCC Highway Services and METRO and it was unclear which organisation was taking the lead.

The Chair suggested that it was important that the Trade Association be also included within the review process and that they come with some meaningful ideas

Responding to a question about signage for Taxi Ranks, Mr Broster said the issue was still not finalised

RESOLVED –

- (i) That Section Head, LCC Taxi & Private Hire Licensing be requested to facilitate a meeting which would bring together all parties with the view of progressing Phase II of the Taxi Rank Review
- (ii) That the minutes of the previous meeting held on 18th November 2008 were accepted as a true and correct record

31 Information report - Results of English Comprehension Testing undertaken by Thomas Danby College

The Panel considered a report by the Assistant Chief Executive (Corporate Governance) providing information on the results of English Comprehension Testing provided by Thomas Danby College. The report set out the assessment statistics from December 2007.

Addressing the report the Section Head LCC Taxi & Private Hire Licensing reported that the testing was undertaken prior to the granting of a Private Hire/ Hackney Carriage Driver Licence and in other certain circumstances.

In terms of the report findings, Mr Broster said there appears to be consistency in the failure rates which justifies not only the introduction of the testing but also the retention of the policy to continue with the requirements. Applicants who failed were offered training options which would assist in improving their language skills and may lead to obtaining a licence from the Council.

Responding to a question from Councillor Armitage who asked if the questions were changed on a frequent basis. Mr Broster said that there was a list of possible questions (20 for example), of which the applicant may be only required to provide answers to 5 of them, making it difficult to pass on information to other applicants.

It was reported that the test fee was £25, applicants who did not attend would lose the fee.

RESOLVED – That the contents of the report be noted

32 Information Report - 1) Information Report on Changes to Vehicle Inspection Enforcement Policy and Procedures for Hackney Carriage & Private Hire Vehicles and Private Hire Operators; 2) Interim Report on Proposals to change the "Age Criteria" condition upon Hackney Carriage & Private Hire Saloon and People Carrier Vehicle Licences

The Panel considered a two part report by the Assistant Chief Executive (Corporate Governance)

(Part 1) - Proposed changes to Vehicle Inspection Enforcement Policy & Procedures – Hackney Carriage & Private Hire Vehicles & Private Hire Operators

(Part 2) - Proposals to change the “Age” Criteria Condition Upon Hackney Carriage & Private Hire Saloons & People Carrier Vehicle Licences

Addressing part I of the report Mr Broster, Section Head LCC Taxi & Private Hire Licensing said that the purpose of the report was to inform Members of operational and administrative changes in respect of the transfer of vehicle Proprietors licence, the inspection of licensed Hackney Carriage and Private Hire vehicles: the chain or responsibility between Proprietors, drivers, Operators and Hackney Carriage Associations and the operational decision to make Operators and Hackney Carriage Associations accountable for their use of defective vehicles.

The second part of the report explained the proposals to lower the maximum ‘age criteria’ on licensed Hackney Carriage and Private Hire saloon and people carrier vehicles in terms of appropriateness and proportionality.

Main Issues:

PART 1 – Changes to vehicle inspection and enforcement policy and procedures – Hackney Carriage and Private Hire vehicle licences: -

Outlining the key changes Mr Broster spoke in detail on the following areas:

- **Vehicle Transfer Policy**
- **Prosecution Policy**
- **Vehicle Inspections / Attendance Administration**

PART 2 – Proposals to change the ‘age criteria’ Condition placed upon Hackney Carriage and Private Hire saloon and people carrier vehicle licences:-

Addressing the proposal to change the “age criteria” condition placed upon Hackney Carriage and Private Hire Vehicle Licenses Mr Broster stressed it was not simply a case of fault finding, vehicles should comply with the manufacturers instructions for that vehicle, and must comply with “Construction and Use” regulations. Mr Broster suggested that if a proper maintenance schedule was in place, drivers and operators would have no problems with the inspection regime.

Mr Broster introduced Mr Stuart Perry and Mr David Hardcastle, Senior Vehicle Inspectors, LCC Taxi and Private Hire Licensing Section who provided examples of defective vehicles which they had inspected during the course of their duties. Mr Perry suggested that it was the older vehicles which tended to have more faults, wear and tear on vehicle components brought on by the high mileage undertaken by the vehicle.

Inspector Sanderson, West Yorkshire Police reported that a joint operation involving the Police and LCC Taxi & private Hire Licensing Section with a view safety inspection of vehicles confirmed that vehicles aged six years and over did have more faults.

Councillor Selby asked if vehicles found with faults after recently passing an MOT, could action be taken, referral to Trading Standards for example ?

In responding Mr Broster said that would be difficult because officers would not be aware as to when the MOT was issued. In the past the Council had issued MOT certificates but that was currently suspended because the trade had experienced problems and certificates of compliance (an alternative form of document to an MOT certificate) were not recognised by the Police or Insurance Companies. Mr Broster also gave an example of a case where an MOT testing station had been referred to the governing body, VOSA

Mr Bill Chard, GMB Leeds Private Hire Association in summing up his members concerns said there was a lot of drivers concerned about losing

their livelihood, it was very important that proper consultation takes place before any decision was taken.

In drawing the debate to a conclusion the Chair said that the suggested proposals would not be determined at today's meeting, further consultation was required with all interested parties and no decisions would be made until May 2009

RESOLVED

- (i) To note the changes to the Vehicle Transfers Policy as set out at 3.1 - 3.4 of the submitted report
- (ii) To note the change to the Prosecution Policy as set out at 3.5 - 3.8 and 3.13 of the submitted report
- (iii) To note the changes to the Vehicle Inspection Non Attendance Policy and Procedure as set out at 3.9 - 3.11 and **Appendix D** of the submitted report
- (iv) To note the Exceptional Condition Policy as set out at **Appendix G** of the submitted report
- (v) To note the intention to introduce an increase in inspection levels on those licensed vehicles which are six years or older after the date of first registration
- (vi) That the Section Head Taxi and Private Hire Licensing be allowed to introduce the changes at (i) to (v) above, no earlier than three months from the date of the meeting under delegated powers.
- (vii) To note the interim report on the proposed Condition Changes as set out at 3.16 – 3.29 of the submitted report, as a Condition upon Hackney Carriage and Private Hire Saloon and People Carrier Vehicle Licences and that further consultation is carried out before the matter is brought back to Panel in May 2009 for a final decision.

33 Quarterly Report of the Taxi and Private Hire Licensing Section (July to September 2008)

The Panel considered a report by the Assistant Chief Executive (Corporate Governance) which provided information about licensing transactions undertaken by the Taxi & Private Hire Licensing Section. The report indicates those licenses that had been granted under Officer Delegated Powers and in line with the Council's Constitution and Terms of Reference of the Panel.

Referring to Appendix A of the submitted report Councillor Wilson asked if more details, in terms of suspensions/revocations/prosecutions could be included within future reports to the Panel.

The Section Head LCC Taxi & Private Hire Licensing confirmed that future reports to Panel would contain more of the requested information

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That future quarterly reports to provide greater details of suspensions/revocations/prosecutions

34 Quarterly Report of the Taxi and Private Hire Licensing Section (October to December 2008)

The Panel considered a report by the Assistant Chief Executive (Corporate Governance) which provided information about licensing transactions undertaken by the Taxi & Private Hire Licensing Section. The report indicates those licenses that had been granted under Officer Delegated Powers and in line with the Council's Constitution and Terms of Reference of the Panel.

RESOLVED –

- (i) To receive the breakdown of licensing transactions (Appendix A)
- (ii) To note the changes or alterations to the existing conditions which had been made since last reported to Panel (Appendix B)

35 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 5th May 2009 at 10.00am