

Public Document Pack
Licensing Committee

28th January 2020

Late Item

Leeds City Council Suitability and
Convictions Policy – Additional Report

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Report of Chief Officer, Elections and Regulatory

Report to Licensing Committee

Date: 28 January 2020

Subject: Leeds City Council Suitability and Convictions Policy – additional report

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

- 1 This report provides Licensing Committee with information about the Suitability and Convictions policy, in response to additional representations from drivers' groups, who object to one aspect of the policy.

- 2 The council has made good progress in improving and maintaining the safety of the travelling public in Leeds. However, because of taxi and private hire issues which span local authority borders, we will make further improvements if we work more closely with neighbouring authorities.

- 3 The report sets out the Suitability and Convictions policy prepared in response to Institute of licensing (IOL) and other national guidance and as part of a number of initiatives intended to establish minimum standards across West Yorkshire and York. It explains the consultation process and addresses the objections.

Recommendations

- That Members determine the response to the representations received;
- That Members note the 12 month review period agreed at the September 2019 Licensing Committee;
- That Members identify any further action required.

1 Purpose of this report

- 1.1 To inform 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.
- 1.2 To inform members of the consultation method, both in Leeds and across West Yorkshire and York, to clarify the results of the consultation, and set out the changes to the policy following the consultation.
- 1.3 To inform members of the way the policy will be implemented, including how exceptional circumstances will be taken into account, and how the application of the policy will be reviewed.

2 Background information

- 2.1 It is a function of the council as a licensing authority to issue Hackney Carriage and Private Hire licences. The overriding requirement of the council when carrying out this function is the protection of the public and others who use, or can be affected by Hackney Carriage and Private Hire services. The aim is to ensure that public safety is not compromised.
- 2.2 The council must ensure that applicants/licence holders are and remain fit and proper persons to hold a licence. This applies to all new applicants, to existing licensees on renewal, and when new information is disclosed. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.3 Taxi and private hire vehicles are used by almost everyone, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi or private hire driver has significant power over a passenger who places themselves, and their personal safety, in the driver's hands.
- 2.4 The Local Government (Miscellaneous Provisions) Act 1976 is clear that the council does not have to strike an even balance between the driver's right to work and the public's right to protection. The public are entitled to be protected. This means that the council is entitled and bound to treat the safety of the public as the paramount consideration.
- 2.5 The six authorities in the West Yorkshire and York (WY&Y) agreed to consult and/or engage on two policies in October 2018, and the consultation took place between November 2018 and January 2019. The group had agreed that the collaborative approach would be more effective if the authorities were to undertake a project to align their policies and conditions more closely, establishing minimum standards in common.
 - Driver training; and
 - Suitability and Convictions policy;
- 2.6 The other WY&Y authorities implemented very similar versions of the Suitability and Convictions policy between March and September 2019, adapted from the 2018 Institute of Licensing guidance. Leeds was the final authority in the group to approve the policy, as the Suitability and Convictions policy was discussed in

detail at September's Licensing Committee, and was approved at October's Executive Board.

- 2.7 The council's taxi and private hire licensing team contacted licence holders in December 2019, ahead of implementing the policy at the start of February 2020. This communication has, however, generated significant representations by hackney carriage and private hire associations, trade unions, drivers' groups, and by private hire operators, and examples are provided in **Appendices 1, 2 and 3**. These individuals and groups have contacted their councillors and MPs to object to the policy. It is appropriate that these concerns are discussed and addressed.

3 Main issues

- 3.1 The objections to the Suitability and Convictions policy have focused on the following issues:

- The consultation exercise was inadequate and/or invalid;
- The policy relating to minor points is excessive and/or draconian; and
- Concerns that while Leeds has approved a similar Suitability and Convictions policy to other authorities, the policy will be implemented very differently.

The following sections of the report address these issues.

Consultation on draft Suitability and Convictions policy

- 3.2 The council has received criticism for how it consulted on the draft Suitability and Convictions policy. Much of the criticism has focused on the council conducting consultation primarily via email and/or electronic surveys. The criticism suggests that this approach is inadequate when one takes into account the likelihood that members of the taxi and private hire trade may have low levels of literacy or use of computers. It has been suggested that the council should adopt a different approach to consultation.
- 3.3 There is UK guidance and case law on the important components of consultation, but we repeat the same here for convenience. In *R (Moseley) v Haringey London Borough Council* [2014] UKSC, the Supreme Court considered the nature of the duty to consult. It confirmed that in order for the consultation process to be carried out "properly", there are 4 essential requirements:
- (i) The consultation must be at a time when the proposals are still at a formative stage.
 - (ii) The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response.
 - (iii) Adequate time must be given for consideration and response.
 - (iv) The product of consultation must be conscientiously taken into account in finalising any statutory proposal.
- 3.4 In elaborating upon those requirements, the Supreme Court confirmed that the essential obligation

“...is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response.”

3.5 In respect of the degree of specificity demanded by fairness, the Supreme Court held,

“Two further general points emerge from the authorities. First, the degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting... Second, in the words of Simon Brown LJ in *Ex p Baker* [1995] 1 All ER 73 , 91, “the demands of fairness are likely to be somewhat higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit”.

3.6 How the council has satisfied these standards during the consultation is summarised in the table below.

	Review	Considerations
Early stage	<p>The consultation was based on the 2018 Institute of Licensing (IOL) Suitability guidance, developed by the IOL, Local Government Association, National Association of Licensing and Enforcement Officers and Lawyers for Local Government.</p> <p>Calderdale, Leeds, Wakefield and York took part in consultation. Bradford engaged its stakeholders.</p>	<p>The IOL guidance had been shared with UK licensing authorities, and discussed at Leeds Licensing Committee in October 2018.</p>
Reasons / clear terms	<p>The consultation highlighted that the aim of the policy review was to develop common approach to suitability and convictions across the WY&Y area, using the IOL guidance.</p> <p>The consultation separated out the questions asking for views on each aspect of the proposed policy.</p>	<p>It is important for consultation to summarise and or separate out specific questions so that people can answer each point at a time.</p> <p>The consultation page included both the current and the proposed policies, however some respondents did say that they had not read the policy or all of the policy when responding.</p>
Timely	<p>The consultation took place between November 2018 and January 2019 in WY&Y. Leeds extended the deadline at the request of one private hire operator, so that in Leeds, the consultation took place from 5 November 2018 to 21 January 2019.</p>	<p>The original aim was for each of the authorities to adopt the Suitability and Convictions policy from the same date, following the consultation.</p> <p>In fact, the authorities implemented the policy at different dates, in part as a result of the level of discussion generated by the</p>

	Review	Considerations
		consultation.
Responses	<p>The five authorities taking part in the consultation revised their policies in response to the findings of the consultation.</p> <p>The five authorities revised the policy relating to minor points, from 5 years to 3 years, but kept the threshold the same (7 points or more).</p> <p>Leeds revised the policy further, extending paragraph 22 on existing licence holders being likely to remain fit and proper unless any new information is received or disclosed, and adding a new category of less severe violence (5 years) following consultation and discussion at September Licensing Committee.</p>	<p>The end result is that, by responding to consultation, the authorities have arrived at slightly different policies. This was not the original intention of the policy, but reflects a willingness to take into account the results of consultation.</p> <p>The review of the application of the policy may reveal different approaches across the authorities.</p>
Fairness / method	<p>The five authorities consulted using the same survey, each asking the same questions. Leeds used predominantly email and the council's online consultation tool, which is responsive, can be used on mobile phones, and does not need PC access. The other four authorities used SurveyMonkey, which Leeds does not use for GDPR reasons. All authorities provided paper copies and encouraged respondents to reply by letter, although comparatively few did so.</p> <p>Leeds consulted with several trade groups (associations and unions), over 5000 licence holders (drivers, operators, vehicle proprietors) and around 90 stakeholders.</p> <p>Leeds received 250 responses to the Suitability consultation and 890 responses to the driver training consultation which took place at the same time.</p> <p>Leeds received additional representation by trade groups before the September Licensing Committee.</p>	<p>The methodology reflects the council's approach to consultation – inviting people to respond to an online consultation, but also accepting email or collective responses (one email or letter with many names added).</p> <p>The council does not need to set a minimum level of respondents, but was wise to send reminders to trade and stakeholders, inviting completion of the survey.</p>

3.7 **Appendix 4** includes an example of an email to direct respondents to the survey. The council also sent reminders to the email addresses of licence holders. A separate appendix also includes each of the Leeds responses with specific comments to the Suitability and Convictions consultation. The report to September Licensing Committee grouped the responses and answered them.

- 3.8 **Appendix 5** includes a summary of all of the responses across WY&Y to the Suitability and Convictions policy consultations. It shows the responses in Leeds compared to the other WY&Y authorities taking part in the consultation. This information was also presented to Members and discussed at the September Licensing Committee.
- 3.9 In summary, the information presented here demonstrates that the council, and the other councils taking part in the WY&Y consultation, met the legal standard for effective consultation, with a range of trade associations, individuals and stakeholders.

The policy relating to minor points

- 3.10 The council has received criticism for the specific area of the policy relating to licence holders who have accumulated seven points or more. This appears to be the main area of concern from current licence holders, some of whom are worried that their licence may not be renewed if they already have seven points or more on their driving licence. Other licence holder have expressed concerns that their licence will be revoked 'automatically' as soon as they report new points on their licence.
- 3.11 The council's current convictions policy states:

Minor Road Traffic Offences:

Convictions for minor traffic offences (identified in Table 1) should not prevent you from proceeding with an application or holding a licence. However, if the number of current points on your DVLA licence exceeds 12 points then your application will be refused or the current licence suspended or revoked. A further application will not be approved until the DVLA licence demonstrates that the number of current points on the licence is below 13 points.

Leeds City Council Convictions criteria 2016, page 15

- 3.12 The IOL guidance states:

Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Institute of Licensing Suitability guidance 2018, page 22

It is useful to note that while the IOL guidance suggested one minor traffic offence would not be a barrier to gaining a licence, it did not set a threshold for how many points would be a barrier. The WY&Y authorities set a threshold at 7 points, which reflected that a licence holder may have incurred two minor

motoring convictions, and may also have previously attended a driver awareness course as an alternative to points on their licence.

3.13 The October 2018 Licensing Committee report and the WY&Y consultation between November 2018 and January 2019 consulted on the following:

Minor traffic or vehicle related offences – offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a hand held telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	5 years
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3.14 Following evaluation of the responses, the WY&Y policy was revised to:

Minor traffic or vehicle related offences – offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a hand held telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	3 years
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3.15 There is little doubt that a transition from the current convictions policy, which has been in place since 2016, to policy based on the IOL guidance brings into focus a larger number of licence holders, anyone who may have between 7 and 12 points. The council does know the current level of points a licence holder has at three stages before taxi and private hire licensing officers investigate further:

Stage	Declaration	Action
Application	Council conducts check of DVLA licence, and checks with applicant. Driving test is included in driver training for applicants.	Applicants with 7 or more points are likely under the new policy to be refused until their points fall below 7.
Renewal of existing licence	Hackney carriage drivers report points at renewal, not when points are issued. Council conducts check of DVLA licence of both Hackney carriage and private hire drivers at renewal of existing licence.	Drivers with 7 or more points are likely to have their licence renewed if the points were previously declared, and there are no new issues or concerns. Drivers with 7 or more points will have their licence reviewed if the points were not previously declared. This may involve additional training or other interventions before a revocation

Stage	Declaration	Action
		is considered to bring a driver into compliance.
When new points are awarded	Private hire drivers are required to report points within 3 days. Council conducts check of DVLA licence.	Drivers reporting new points which takes them to 7 or more points will have their licence reviewed. This may involve additional training or other interventions before a revocation is considered to bring a driver into compliance.

3.16 The majority of the objections to the new policy accept the principle that it is reasonable for the council to require a high standard of driving from new entrants to the taxi and private hire trade in Leeds. The concerns appear to focus on how many drivers may have 7 points or more, and how many are close to exceeding this level. As the policy makes clear, the public are entitled to expect high standards of taxi and private hire drivers, whether they are new to the industry or have been licensed for 20 years. The largest two areas of complaint from the public to the council about taxi and private hire drivers are driver conduct and standard of driving, accounting for more than 500 complaints in 2019, so it is evident that the Leeds public give a priority to driving standards, among other factors.

3.17 Looking forward, and with a view to monitoring implementation of the policy, the council has received a number of Freedom of Information requests asking for the details of how many drivers have points on their licence, and how many have each level of points. While this information may help provide some context, the council does not hold this information in a way in its licencing system which takes into account when existing points expire from a licence. The council is taking part in the DVLA Access to Driver Details (ADD) project, which will enable the council to check driving licence details, and has requested the DVLA to assist in giving the council a periodic breakdown of the numbers of drivers with each level of points.

Implementation and review of the policy

3.18 The council has received criticism for the way in which the policy is worded, how it is likely to be implemented, and how it will be implemented and reviewed in other authorities. The main objections appear to be the following:

- The term ‘fit and proper person’ is not properly defined.
- Licence holders should not have any more challenging restrictions or background checks than the public or drivers in general.
- Rehabilitation of Offenders Act requires the council to dismiss spent convictions.

- The policy is written in very blunt legal language, relating to departing from the policy only in ‘exceptional circumstances’, which seems to limit the degree of discretion open to individual decision makers.
- The policy neglects consideration of the livelihoods of licence holders.
- While Leeds and the neighbouring authorities have adopted the same (or very similar) Suitability and Convictions policy, members of the licensed trade have concerns that Leeds will implement it harshly or ‘automatically’, while other authorities will adopt a less harsh approach.

The report addresses each point in turn.

Fit and proper person

- 3.19 The term ‘fit and proper person’ is a cornerstone of licencing policy and practice. The purpose of taxi and private hire licencing is passenger (and by extension) public safety, and determining whether someone is a fit and proper person to gain (i.e. at application) or continue to hold a licence is a key element of licencing decision making.
- 3.20 The policy does in paragraphs 6, 7 and 8 set out some of the main aspects of fit and proper person, although it is not a comprehensive definition or exhaustive list of what factors should be taken into account. Taxi and private hire vehicles are used by almost everyone, but they are used regularly by particularly vulnerable groups: children; older people, disabled people, and the intoxicated. A taxi or private hire driver has significant power over a passenger who places themselves, and their personal safety, in the driver’s hands. The council is concerned to ensure that, an individual does not pose a threat to the public; that the council’s obligations to safeguard children and vulnerable adults are met; and the public are protected from dishonest persons.
- 3.21 The law requires that the council must be satisfied that a person is a fit and proper person to hold a licence. If the council is not satisfied that a person is not fit and proper, it can refuse to licence that person, or ask for more information to enable the council to make a decision. That decision is wholly based on the strengths of that individual case. The legal context is that the council must not issue a licence or allow to licence someone it is not satisfied is a fit and proper person.
- 3.22 The IOL policy therefore does address the question of what factors and additional information should be taken into account in order to determine someone’s suitability to gain or continue to hold a licence. The licencing authority may very well have good information about an existing licence holder, and may have taken into account cautions, convictions, and points at an earlier licencing decision. The Leeds Suitability and Convictions policy added, following consultation and discussion at September Licencing Committee, an additional sentence in paragraph 22, in bold for emphasis:

22.	Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account. It is the aim of this Policy that any information that has not been fully considered, will be considered at the time a licence is considered for renewal. Licence holders renewing their licence with no new concerns, issues, incidents,
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convictions/offences, and about whom no other new information has been received will continue to be regarded as fit and proper persons.

Licence holders, the law and specific licensing policies

3.23 One theme of criticism is that in developing this policy, the council has given undue emphasis on licensing guidance, which in some cases exceed those included in general law, such as Road Traffic Act. The petition and protest include a number of variations on the specific point that the council should allow licence holders to be licensed, as long as their driving licence has not been disqualified, and the council should leave it to the courts to determine who should be able to drive.

3.24 IOL guidance included a paragraph on the policy.

1.10 This guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.

Institute of Licensing Guidance on Suitability, 2018, p 4

3.25 It is well established that licensing policies can include conditions and provisions which differ from levels established in law, and the specific issue of points is an instructive example.

3.26 The UK law states in Local Government (Miscellaneous Provisions) Act 1976 s51 (1) that a person can apply for a licence as a private hire driver providing they are not disqualified from working according to their immigration status, and have held a driving licence for more than 12 months. However the next section 51 (2) allows the council to attach 'any other conditions to the granting of a licence as they consider reasonably necessary'.

3.27 A short (i.e. not exhaustive) list of the types of information which the council requires from its applicants and licence holders includes a range of requirements which are not required for the wider public:

- DBS checks and sign up to national DBS update service;
- English/ESOL tests;
- Knowledge tests;
- Geography test;
- Safeguarding test;
- Customer care test;
- Additional driving test;
- Medical assessment; and
- Other information, such as signed declarations.

This indicates the range of information the council may require or request over and above the law for the general public when establishing whether a person is a fit and proper person to work as a taxi or private hire licence holder.

Rehabilitation of Offenders Act requires the council to dismiss spent convictions.

3.28 One complaint received relates to the specific suggestion that historic convictions should be exempt from the policy. Owing to the special nature of taxi and private hire (the vulnerable nature of some passengers and the extent of control a licence holder may hold on an individual), the trade is specifically excluded to take account of convictions over a longer timescales than for other professions. Paragraph 23 of the policy states:

23. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that ALL convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.

The policy limits the degree of discretion open to individual decision makers

3.29 The policy the council has approved uses the same wording as the IOL guidance; to rewrite the wording may have acted to undermine one stated objective for the UK to have some common minimum standards in licensing. The policy does indicate that in some cases, such as cautions or convictions for sexual assault, rape or death, licences will always be refused and for an indefinite period. The policy also indicates in paragraphs 16 and 17 that in exceptional cases, the council may depart from the policy.

3.30 However, it is important for members to note that the guidance and details developed in licensing policies are neither absolute nor exhaustive. Licensing policies are not strictly binding in nature, but instead act as a guide for applicants, decision makers and licence holders to understand what the licensing authority's expectation is when it considers the fitness of licence holders. The policy is a starting point. So while the licensing policy acts as a guide, the fundamental and overriding principle remains that licensing policies must always leave room for discretion and deal with each case on its individual merits. However the merits concern the level of risk to the passenger/public, not the impact on the livelihood of the licence holder.

3.31 It is worth taking this explanation slightly further in answering the questions or concerns licence holders or stakeholders may have. A decision maker must take a range of individual factors into account, such as the likelihood of harm happening in the future, whether the licence holder has been honest in reporting a problem or incident. Those individual factors may lead the decision maker to decide to apply the policy exactly, or to depart from the policy, in ways such as the following:

- To decide that a person continues to remain a risk and is not a fit and proper person after the end of a period of refusal included in the policy, e.g. violent

crime 11 years ago, when the tariff recommends a refusal of 10 years.
Licence refused.

- To decide that a person is a risk and is not a fit and proper person following a serious single complaint or pattern of separate complaints, although no caution, conviction or points have been awarded. Licence revoked.
- To decide that a person is a fit and proper person and can be licensed, following investigation, additional training or medical advice/drug testing. Licence issued, possibly with additional conditions.

3.32 The legal basis for decision making is clear that a licensing authority must not give a licence or allow to continue to be licenced someone who the authority believes not to be a fit and proper person. However, the law allows significant scope for authorities to request extra information in order to make this judgment, and importantly, allows discretion in decision making.

3.33 The officers making decisions about applicants and licence holders under this policy will use a 'case review' method, where borderline decisions or decisions are reviewed where 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 the list below suggests a range of options which could be exercised separately or in combination, using the example of minor points on a licence.

- 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 policy neglects consideration of the livelihoods of licence holders

3.34 A number of the complaints raised the issue of the livelihoods of taxi and private hire drivers and their families, and how they may be affected under the new policy, particularly the minor points condition. Representative groups and individuals asked what weight the council could give to the individual circumstances of drivers who exceed the points level.

3.35 While each decision should be made on its own merit, the merit focuses on the risk presented to the passenger or public, not on the financial hardship afforded by the licence holder or their family. Licensing case law (Leeds City Council vs Hussain 2002 and 2003, Cherwell District Council vs Anwar 2011) states that the financial hardship of a licence holder's family cannot be used as a justification for a licence holder posing a known risk to their passengers and continuing to work.

Concerns about how the policy will be implemented and reviewed in Leeds and other authorities

3.36 The objections have questioned how the six Suitability and Conviction policies, implemented in each of the WY&Y authorities, will differ in practice. There has

been a misleading suggestion that Leeds decision makers could ‘automatically’ revoke licence holders’ licences, whereas it was perceived other authorities could exercise a greater degree of discretion.

3.37 A main ambition of the joint development and consultation on the Suitability and Convictions and the Driver training policies was to develop a more consistent approach across WY&Y authorities. Joint consultation/engagement and policy development would help deliver this, but the authorities do plan to collectively review how they have made decisions and responded to appeals against decisions.

3.38 Each of the authorities in WY&Y has agreed as part of its implementation to review the licensing decisions it has made and appeals it has received for the first 12 months after the policy was adopted. The five authorities were asked to provide any information on licences revoked because of the level of points on a DVLA licence. Four authorities had the information available, and so far one driver has had their licence revoked for exceeding the 7 points or more level.

Bradford	We have revoked 10 drivers since implementing the policy in March 2019. We look at the totality of evidence, not one factor in isolation. None of the drivers’ licences were revoked purely for exceeding the level of points. All 10 would probably have had their licences revoked under our previous policy.
Calderdale	We have revoked 1 driver for reaching 11 points since implementing the policy in August 2019.
Kirklees	We have revoked one driver since implementing the policy. That was for a different driving category, driving while using a mobile device.
York	We have not revoked any drivers since implementing the policy in October 2019. We have refused to renew 6 drivers, who had reached 9 points, but had also failed to declare the points, so this was part points, part breach of licensing conditions.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation and engagement has already taken place in 2018 and 2019 on this matter.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies recommended for approval at Licensing Committee which are used to inform decision making. The screening process for this policy did recognise that a majority of the Leeds taxi and private hire trade are male, BME, and would be affected by changes in licensing policy. However, the screening also showed that female passengers and passengers with disabilities or mobility needs are statistically likely to take more taxi and private hire journeys than the general population, and would benefit from changes in licensing policy.

4.3 Council policies and City Priorities

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2018/19 – 20/21

Towards being an Efficient and Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on: -

- Helping people into jobs;
- Boosting the local economy; and
- Generating income for the council.

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on: -

- Getting services right first time; and
- Improving customer satisfaction.

4.3.2 The importance of air quality as an issue is also reflected in the Council's vision under our Best Council Plan. Our vision is for Leeds to be a healthy city in which to live, work and visit and we are working with partners to reduce emissions which will bring about health and wellbeing benefits including reducing premature deaths, improving health, promoting physical activity and reducing obesity levels. We are raising general health and environmental standards across the city through the promotion of walking and cycling. The Leeds Public Transport Improvement Programme is working to make improvements to the bus and rail networks which will enable reductions in congestion and greater modal shift, supporting a reduction in emissions.

4.3.3 The Council's Taxi & Private Hire Licensing policies contribute to the following priorities: -

- Reduce crime levels and their impact across Leeds;

- Effectively tackle and reduce anti-social behaviour in communities; and
- Safeguarding children and vulnerable adults:

4.3.4 Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 There may be resource implications of putting the Suitability and Convictions policy into practice, if it results in more licences being refused and more appeals. The reviewing of decisions under this policy will show the number of decisions and appeals.

4.4.2 It should be noted that the Taxi and Private Hire Licensing service is cost neutral to the Council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licenses. This means that any additional costs associated with the proposals will be funded via licence fees and will not place additional pressure on the council's budget.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The consultation was carried out in line with guidance and good practice. This report is for information only, and is not subject to call in.

4.6 Risk Management

4.6.2 The proposals are aimed at reducing the risk of passengers posed by current or future licenced drivers, including those drivers who are not licenced by Leeds City Council, but are licenced by other authorities in WY&Y.

5 Conclusions

5.1 The council has made good progress in improving the safety of the travelling public in Leeds. However, we will only make further improvements if we work more closely with neighbouring authorities.

5.2 The recent response to communication about the planned implementation of a new Suitability and Convictions policy has raised a number of questions about the consultation method, the provisions in the policy, and how the policy will be implemented.

5.3 The report has set out the questions and concerns and sought to answer them as fully as possible.

6 Recommendations

6.1 .That Members determine the response to the representations received;

- 6.2 That Members note the 12 month review period agreed at the September 2019 Licensing Committee;
- 6.3 That Members identify any further action required.

7 Background documents

Institute of Licensing guidance on suitability of applicants:

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

Current Leeds City Council Convictions policy:

<https://www.leeds.gov.uk/docs/criminal%20convictions%20policy.pdf>

New Leeds City Council Suitability and Convictions Policy, February 2020:

<https://www.leeds.gov.uk/docs/Leeds%20City%20Council%20Suitability%20and%20Convictions%20Policy%20Dec%202019.pdf>

Current Bradford Suitability policy:

<https://www.bradford.gov.uk/media/5213/driver-suitability-policy-march-2019.pdf>

Current Calderdale Hackney carriage and Private Hire policy (includes suitability):

<https://www.calderdale.gov.uk/v2/sites/default/files/Hackney-Carriage-and-Private-Hire-Licensing-Policy.pdf>

Current Kirklees Suitability policy:

<https://www.kirklees.gov.uk/beta/licensing/pdf/statement-of-fitness-and-sustainability.pdf>

Current Wakefield Suitability policy:

<https://www.wakefield.gov.uk/Documents/licensing/taxis/driver/private-hire-and-hackney-carriage-suitability-policy.doc>

Current York Taxi licensing policy (includes suitability):

https://www.york.gov.uk/downloads/file/9715/taxi_licensing_policy

Appendices

Appendix 1 Petition by Leeds Private Hire Drivers Organisation

Appendix 2 Representation from Unite

Appendix 3 Joint statement from taxi and private hire groups

Appendix 4 Example of Leeds consultation and Leeds responses on Suitability and convictions policy

Appendix 5 Summary of responses to WY&Y consultation on Suitability and Convictions policy

Additional paper for Licensing Committee members – list of all comments to consultation (A3 size paper, prints over 22 pages)

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Appendix 2 Email from Unite the Union

From: Landau, Paul (Branch Activist) [mailto: [REDACTED]]

Sent: 21 January 2020 10:11

To: Grieve, John < [REDACTED] >

Cc: Akhtar, Vasim (Branch Activist) < [REDACTED] >; Bown, Phil < [REDACTED] >; Rushworth, Darren < [REDACTED] >

Subject: Conviction Criteria

Dear John,

Unite formally requests that the following be made available to all members sitting at the licensing committee on January 28th from 10am, specifically for the chairs attention, Cllr Ben Garner regardless of any meetings that may take place or other.

" Unite formally and unreservedly objects to the listed conviction criteria. It is without doubt the most severe form of punishment that could be handed down by a licensing committee and the City of Leeds itself. It has the potential to put hard working citizens of our city out of work, with no future scope to work in a similar vain in a similar transport anywhere within the WYCA. Members have been told over the past two years that they must obey the recommendations from our Clean Air Zone team with regard to the 'Climate Emergency' and dates set for achieving the goals set by central government. Owner drivers whom have invested tens of thousands of pounds via loans, some secured against their properties, whom under this severe regime could see them forced out of a job, lose their homes, see their credit ratings plummet etc. The ramifications are just too steep to ignore and as councillors you should be acutely aware of this. While we would whole hearted agree that passenger safety is a serious factor, so too is driver welfare and their job satisfaction, something which you should all also be acutely aware of. As a responsible trade union, we cannot nor will we support this in its current guise and for this council to do so, shows just how out of touch members truly are with the hardship faced by every cab driver in this city currently due to unfair competition and a lack of serious enforcement by the Taxi and Private Hire department and its employees. There is no proof that implementing such draconian terms would in fact improve driver attitudes. Indeed such a move would be contrary to UK law as far as the road traffic act 1988 is concerned and the conviction criteria as far as UK law is concerned.

No council should ever be permitted to consider itself above such law of the United Kingdom

Even the Department for Transport in its 'Best Practise' guidance paper comments that no conditions should ever be too onerous. This convictions criteria goes way beyond onerous!

While Unite are fully aware of the safeguarding elements that must be adopted in the light of recent high profile and lesser cases, this attempt to use a council policy to penalise for minor infractions such as 'points escalation', which the UK law sees as one of guidance itself, is beyond comprehension.

Just how councillors could bring themselves to punish hard working owner drivers, that seemingly are no burden on the welfare state and more importantly are 'Self Employed' is also incomprehensible.

Unite will seek all avenues to challenge this decision legally should it continue unfettered or unrevised prior to implementation.

The sheer lack of consultation on this matter, with regard to no open trade forums being called to discuss, nor working groups being entered into, just shows the level of disregard and complete complicit impunity that both the licensing section and councillors see both sides of the Taxi & Private Hire in Leeds.

I make no apologies for the content of this communication, just as Leeds Licensing and councillors make no apologies for their attempt to railroad owner drivers out of a job and into poverty. This is an utter abomination to all reasoned thinking people and should be stopped with immediate effect.

No where or in any other job that has such direct contact with the travelling public or services that the general public rely on such as but not limited to: Bus services, Ambulatory services, Patient transport services, Social Care drivers, LCC Vehicle operatives do such incredulous convictions criterias apply.

Paul Landau

Branch Secretary

Unite the Union

Passenger Transport - Cab Section

NEYH 302/3

Tel: [REDACTED] (8am thru 7pm - Mon thru Fri)

e: [REDACTED]

<http://www.unitetheunion.org>

NOTE: Emails, information contained, contact details etc are handled under the new Data Protection Act 2018 and GDPR rules.

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This is a joint statement from the following licensed Taxi & Private Hire (TPH) trade groups;

- **Hackney Carriage Companies**
- **City Cabs**
- **Eurocabs**
- **Streamline/Telecabs**
- **Wheels Private Hire**
- **Private Hire Organisation LPHDO.**

The above fully accept, respect and adhere to the existing Convictions Criteria Policy and wish that Policy to remain in place and that the planned new Suitability be abolished.

Reasons for the abolishment of the planned suitability policy are as follows;

Leeds City Council (LCC) have always had higher standards than any of the neighboring authorities which gave the licensee's of LCC a sense of pride, so why do we need to raise this bar higher? At what point did the existing Convictions Criteria Policy become not fit for purpose and with what supportive evidence?

The suggested policy regarding DVLA points and other offences is both draconian and gratuitous.

While care must be taken in the driving of a licensed vehicle, it is inevitable that on occasion drivers will incur points. These points will, by the law of average be gained more frequently than a person who drives purely for Social & Domestic purposes. The average motorist will drive 7,600 miles per year (146 miles per week) yet a licensed Private Hire or Hackney driver will cover 146 miles in a single shift which puts him at a risk of obtaining DVLA points 7 times higher than a typical motorist and yet be subject to 50% less in regards to points and the ability to drive. How is this justifiable and what other department in LCC is governed by such figures, such as School Transport Drivers, or drivers of the LCC fleet of maintenance vehicles which some carry 4 times the passengers that a TPH carries or has a vehicle weight 10 times that of a licensed vehicle?

Leeds has not been placed under 'Special Measures' as Rotherham Council were and cannot use this as a catch all to implement any policy they wish, each policy and condition must be reasonably necessary and in the interests of public safety, this suggestion is neither.

The harmonisation agreement between West Yorkshire and York authorities was to combat the exploitation of cross border working, it painted over the cracks and did not address the issue legally. While officers have been given authority to check a driver and vehicle licensed in another area, that same authority does not receive revenue for doing so and is therefore working on behalf of its neighbors at the expense of its licensees. Drivers are like moths to a flame and will congregate in the busier Town or Cities while working cross border, putting immense pressure on that authority to enforce the vehicles working within its boundary which can then in turn raise the expense of enforcement that locally licensed drivers would have to endure, this is not what the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) set out to achieve, and blaming advancement in technology for how it has been twisted is not the answer either. It is only the large corporates that abuse cross border and the LGMPA, not the smaller and more traditional companies.

One of the larger and well known companies had an issue with how bookings were accepted in London and had to ring fence that area to only allow Transport for London (TfL) licensed vehicles to operate, why was this same company not made to do this in Leeds and surrounding areas when this came to light, because the system operated in this area is no different than the system that TfL were minded to be illegal and therefore the company changed its protocols to appease TfL. The very same action should be taken in Leeds, there is by far enough evidence to support the request.

This is a classic case of being afraid of the bigger boys and therefore bullying the smaller as a way of retribute. The frustration caused to authorities by the large companies abusing the LGMPA and cross border hiring is being taken out on the drivers to alleviate the frustrations of the real cause of the matter that lies within the trade this day.

New policies cannot come at the expense of proportionality, as that only serves to undermine public's confidence in the Licensed Taxi and Private Hire trade by sending out a message that we are less worthy than other transport providers therefore deserve a harsher enforcement.

The status and validity of this Suitability Policy MUST be questioned, when the two legal authors of the original suggestion as published by the Institute of Licensing (IoL) are James Button (James Button & Co) and Philip Kolvin QC (Ubers go to lawyer). How are practicing members of the legal profession able to make policy recommendations when at least one of them has clear links to Uber, and other was at a recent Uber safety campaign to assist in their once again under threat and concern of safety London License. The two lawyers mentioned have no right to be involved in any form of policy conditions, directly or indirectly when they have allegiance to the largest company who abuses the cross-border issue due to their undeniable bias.

It has been referenced that there has been a year long dialogue with the trade regarding this policy change, and we dispute that completely. What evidence is there to support such dialogue and with what parties, we must ask the pertinent question of was it just Uber perhaps?

SOME FACTS ABOUT WHAT HAS HAPPENED UPTO THE SUITABILITY POLICY BEING APPROVED BY LCC

When this policy was first brought to our attention on 5th of March 2019 via a report submitted as a late item to the Leeds City Council Licensing Committee a DfT draft policy was attached to the report. The DfT Draft Policy is virtually the same policy as the Institute of Licensing guide.

We were informed about the DfT consultation on this draft document, we submitted a report of objection to DfT and licensing officers calling this policy very "Draconian" and that we "Vehemently" opposed to it.

We had a Trade forum meeting on 25th of March 2019 which lasted two and a half hours. Over an hour of the meeting was taken up by the Headrow Gateway pedestrianization scheme. The other topics discussed were enforcement activities of Licensing officers and the CAZ policy update was given. Only very brief comments were made on the planned policy reviews. The Suitability Policy was on the agenda as point 6b under the heading of "TPHL Policy reviews". The DfT Statutory Guidance was also on the agenda as point 8b under the heading "Consultations/Forward Plan".

The Trade representatives were informed that another meeting "Trade Forum Meeting Part 2" will be arranged to discuss the remaining items on the agenda including the TPHL Policy review and the Consultation item 8b (Point 8a, Headrow Gateway was discussed and so was the Cricket World Cup point 8c)

The Trade Forum Meeting Part 2 was arranged for Thursday 6th of June 2019. This meeting was cancelled at the request of Trade Members as the Muslim festival of Eid was taking place over them few days, and an alternative date was requested. Despite many requests this meeting never took place even though the Trade Forum Constitution as approved by LCC states a minimum of 4 Trade Forum Meeting must take place every year. We have recently received confirmation of the next Trade Forum Meeting which will be held on 28th January 2020 and further 4 dates for subsequent Trade Forum meetings have also be put in the diary.

Members of LPHDO also state that since the meeting in March 2019 they have not had any Trade forum meetings where the Suitability Policy was discussed and that many of their members did not receive the consultation emails.

The Suitability policy was presented to the LCC Licensing Committee on 5th September 2019. A letter of objection, the exact same copy as submitted to DfT, was emailed to every Councilor and the chair of the Licensing Committee stating that the Hackney Carriage trade “Vehemently” oppose the proposed policy. A lengthy debate did take place at the meeting, however at the end none of the 10 Councilors present supported the report, they were all abstaining. However legal advice was sought by the Chair of the Committee and we have been informed that the legal advice was that councilors must approve or reject the policy and they cannot all abstain. Out of the 10 Elected members only 3, yes 3, Councilors voted in favour of the policy after the legal advice.

Many policy reviews have taken place in the last 6 years and have been done through a “Working Group” process, whereby Trade representatives from the TPH sit down with a few Councilor’s from the Licensing Committee, Disability Groups and other stake holders to have open and frank discussions where all the issues surrounding proposed policy are discussed and scrutinised and a draft policy is then submitted to the full Licensing Committee for approval.

As already stated, that we were involved in a recent policy review regarding the installation of CCTV cameras in Taxis which followed that exact format. So, the question arises why was this policy not put through the “Working Group” process? Is there some hidden agenda? Or is it just a case of well we have agreed to implement this with the neighboring authorities, so we must implement it at all cost. Which of the authorities suggested such a policy and where di they get the notion from?

So many questions have gone unanswered due to the break in protocol that has worked extremely well over the years as proven above.

DO THE LCC OFFICERS AND ELECTED MEMBERS UNDERSTAND THEIR REGULATORY DUTIES?

We have asked several LCC Councilors if they are aware of the principles of “Regulators Code”? I was very surprised to hear the word “No”. The “Regulators Code” as approved by the Department for Business Innovation & Skills in 2014 and should be part of the training for all Councilors and yet appears to a missing vital part in what authorities must adhere to in their decision making and policy writing.

How can policies be made by people who do not know what their responsibilities are when scrutinising these policies?

THE REGULATORS CODE

The “Regulators Code” must be used by every Licensing Authority on every Regulatory policy;

Point 1 – Regulators should carry out their activities in a way that supports those they regulate to comply and grow

This policy neither supports the TPH drivers in Leeds or other local authorities in the Yorkshire combined authorities nor does it have points that will promote growth within the industry. In fact, this policy will deter people from applying in Leeds and seek licenses from other authorities and still come and work in Leeds. With drivers having to purchase CAZ compliant vehicles costing anything from £15k to nearly £70k for the LEVC, why would drivers want to invest in expensive and good quality vehicles knowing that one or two mistakes and that’s the end of your Taxi or Private Hire career. Let’s be honest who is going to be able to financially survive a 5 year ban because you have had domestic issue with your wife or partner even though you may have made up the next day and are back living as a happy family? (Like the Love Island host Caroline Flack) or a 3-year ban for accruing 7 points on their license? **For serious incidents we expect action to be taken and the existing policy is robust enough for such incidents and has been proven to be so.**

Point 2 – Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

LCC have only done a consultation via an email, although LCC have an English language assessment prior to issuing a license it does not mean that all license holders suddenly become computer literate and be able to read or interpret the wording of a consultation to fully understand the question and to answer the questions in a manner that reflects their opinion. These same drivers, due to a lack of communication between LCC and the trade representatives may not have understood the implications of this policy and the consultation. LCC has approximately 80% of the BAME community as license holders and this type of consultation is clearly discriminatory. Many drivers have stated that they did not even receive the consultation emails.

Point 3- Regulators should base their activities on risk

No factual evidence has been provided to the trade or elected members to say that the existing convictions criteria policy is inadequate.

No evidence has been provided to the trade and the elected members that there has been a drastic increase in speeding convictions resulting in serious injuries to the travelling public or other road users

No evidence has been provided to say that there has been a drastic increase in offences involving violence, possession of weapons and dishonesty.

Anyone found guilty of Discrimination will be banned for 7 years! Yes, that's right 7 years it's not a typing error, how is someone that has made a discriminatory remark or performed a discriminatory act gone way beyond the limits that they cannot be re-educated or re-trained. Again, what evidence supports this theory and has the question been asked if this discriminatory act was in fact another person's perception of what was said at the time only?

I could go on about regulators failure to share information about compliance and risk (I am still awaiting information requested under an FOI) or the regulators duty to ensure clear information and guidance is provided or ensure that their regulatory duties are transparent.

The whole sentencing guidelines under this suitability policy are so disproportionate that it seems to be a typical case of using a sledgehammer to crack a nut, with the potential outcome of a culling of licensed drivers to ease the pressure of the officers as previously highlighted.

CONCLUSION

The only standard response we have received from officers of Leeds City Council is that it's in the interest of "Public Safety".

Every policy has to be evidence based and as yet the HC and PH trade have not been presented with any evidence and from talking to several councilors and members of the LCC Licensing Committee they haven't been presented with any evidence either to suggest the necessity of this draconian policy.

If it is for "Public Safety" then surely LCC would impose the same standards on their own employees like Social Services and Disability transport services? The chair of the Licensing Committee Cllr Ben Garner was asked the question on Wednesday the 15th January 2020 by a HC trade member and the reply was "No it doesn't we haven't given that a thought but it's a good point".

If LCC are so conscious of Public Safety why didn't they take immediate action against their Licensed operator Uber that allowed vehicles from London, Wolverhampton, Sefton, Rossendale, Manchester, Nottingham as well as all the neighboring authorities to work in Leeds? Were they not aware of their duty to the public?

Doesn't the "Public Safety" alarm bells ring at LCC, when vehicles are observed and reported to them for having complete blacked out windows, just roundels in the front and rear screen or livery of more than one operator on the vehicle? Is it a case of we are cowards we don't want to fight the big boys so let us vent our Uber anger on the Leeds self-employed drivers!

Do the Leeds TPH driver's pick up different types of human beings that are more important than the people that travel in buses or LCC transport providers. A bus driver can carry up to 73 passengers and would only get banned for one year upon reaching 12 points unless exceptional hardship came in, and even then the bus company may not necessarily dismiss him from duties but TPH drivers only carry a maximum of 8 passengers are considered as unprofessional and not Fit and Proper at 7 Points?

Where is the proportionality?

The fact is that most of the sanctions and bans that will be imposed on the Leeds TPH drivers are disproportionate, the sentence does not fit the offense!!

The policy was first presented to the Licensing Committee and the TPH trade as DFT Statutory Guidance but then changed to the Institute of Licensing guidance, the DfT guidance is compelling, the IoL guidance has no substance behind it and can be ignored without fear.

If its "Guidance" why does it have to be implemented, when we have a perfectly reasonable policy that has been tried and tested in all courts from Magistrates to Appeal courts and found to be a fair and reasonable policy to determine a "Fit and Proper" person.

How can barristers, MPs, Councilors and Council employees understand the pressures the TPH drivers face daily when they have never worked in the industry?

How can they define or determine the policies that will have life changing impact on drivers when they have never faced the situations that many drivers face daily?

What advice or what the best form of action should a Taxi or Private Hire driver take when they have a knife put to their throat to rob them of their days/night's takings?

What advice do they have for the driver that had his throat slit from ear to ear just for his takings?

What advice do they have for the Leeds Driver [REDACTED] who was stabbed in the neck for a £3 fare?

What advice do they have for the Street Cars driver from Strabane whose face and head have been kicked out of shape?

What advice would they give to driver's that can see youths ahead with half bricks, a breeze block or even a metal pole that they are ready to launch at the driver's vehicle?

What advice would they give to a driver that is in a secluded area and has several passengers that want to beat him up, rob him and take his vehicle?

These are not made up scenarios these are factual incidents that have actually happened.

Do these policy makers or advisors think that every one of these drivers will react in the same manner or that it is it one size fits all?

The facts are that no two drivers will think the same or react in the same manner and this Suitability policy gives the driver a clear choice of stay and accept the punishment from your attackers and don't fight back (just hope and pray they don't kill you) or try to speed away from the location as you may be punished by losing your job from 3 to 10 years for speeding or being violent!!

Why isn't this type of Suitability policy applied to councilors, MPs and Council officials of LCC?

No wages or salary if you are under investigation no employment or elected position for the periods of 3, 7 or 10 years depending on the offence committed like the sentences for Taxi and Private Hire drivers?

Just to prove how ridiculous this suitability policy is, Cllr ██████████ of Cleadon, South Tyneside Council has been banned from driving for 18 months because he refused to provide a breath sample, and given a 12-month community order which includes 60 hours unpaid work and £710 in costs and victim surcharge.

A South Tyneside Council spokesperson confirmed that his conviction does not affect his position as a councilor..

REALLY?? He could be making future regulatory policies like the Suitability Policy!!

This case proves that high standards are only expected from the TPH industry and not from the people that make the policies. If the same Suitability standards were imposed on these same official's they will be screaming blue murder and protesting, what about our Working Rights? What about our Human Rights? Well what about the employment rights of the Leeds Licensed drivers and what about their Human Rights?? The sentences in the Suitability Policy are totally disproportionate to the offence committed. So, the question is why is it so different for the Taxi and Private Hire Industry?

Finally LCC, other West Yorkshire Combined Authorities and York, follow the regulators code, provide the fact based evidence as to why such a draconian policy is necessary and we may support it but don't just use the same old excuse of "Public Safety" because you as regulators have failed to keep the public safe for at least 5 years since Uber came to town!!

Appendix 3 Examples of Leeds consultation on Suitability and Convictions policy

To all licence holders

Taxi & Private Hire Licensing

225 York Road

Leeds

LS9 7RY

Contact: Andrew White

Tel: (0113) 3781570

Email: taxiprivaterehire.lic@leeds.gov.uk

Our Ref: LCC/11/18

29 November 2018

Dear Sir/Madam,

CONSULTATION EXERCISE REGARDING:-

DRAFT SUITABILITY/CONVICTIONS POLICY AND DRAFT DRIVER TRAINING POLICY

I refer to the above, and I am writing to advise you that the West Yorkshire and York Authorities are now carrying out consultation and engagement exercises on:-

- A Suitability/Convictions policy; and
- A Driver Training policy

The draft policies can be found at <https://www.leeds.gov.uk/business/taxi-and-private-hire-consultation>. There are a number of questions that you are asked to consider with regard to these draft policies.

Alternatively, you can visit a number of our public buildings to view the draft policies:-

Taxi and Private Hire Licensing office 225 York Road, Leeds LS9 7RY

Leeds City Centre Hub Merrion House, Merrion Way, Leeds LS2 8BB

The consultation period will run for a period of 8 weeks from Monday 5th November 2018. Due to the holiday period being in this time, a further 2 weeks will be allowed, and therefore the deadline for any comments to be received will be Friday 18th January 2019.

Please attach any responses to taxiprivaterehire.lic@leeds.gov.uk or send them to Taxi and Private Hire Licensing office 225 York Road, Leeds LS9 7RY.

Yours sincerely

Andrew White

Taxi & Private Hire Licensing Manager, Elections and Regulatory Services

Communities & Environment Directorate

From: [REDACTED]

Sent: 16 January 2019 16:01

Subject: Taxi & Private Hire Licensing consultation

Just a quick reminder that the Taxi and Private Hire Licensing service in Leeds along with the West Yorkshire and York Authorities are currently carrying out a consultation exercise on:

* A Suitability/Convictions policy; and

* Driver Training policy

The consultation period ends on Friday 18th January 2019 and if you haven't already completed the online surveys please take the time to do so. Your feedback is very much appreciated.

The following link will take you to the online surveys

<https://www.leeds.gov.uk/business/taxi-and-private-hire-consultation>

Taxi & Private Hire Licensing

225 York Road

Leeds

LS9 7RY

Tel: 0113 3781570

www.leeds.gov.uk/taxis<<http://www.leeds.gov.uk/taxis>>

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Appendix 2 Suitability Policy – Summary of consultation responses across West Yorkshire & York

	Crimes resulting in death or intended to cause death or serious injury– no elapsed period			Exploitation – no elapsed period			Offences involving violence – 10 years				Possession of a weapon or any other weapon related offence – 7 years				Sex and indecency offences – no elapsed period		
	Agree	Disagree	Not Answered	Agree	Disagree	Not Answered	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered	Agree	Disagree	Not Answered
Calderdale	115	63	7	111	63	11	65	86	28	6	85	52	42	5	107	75	3
Kirklees	111	45	1	116	39	2	69	61	26	1	73	43	40	1	110	46	1
Leeds	194	41	5	194	41	5	203	24	23	0	194	19	37	0	182	68	0
Wakefield	33	17	0	36	14	0	10	38	3	0	17	27	7	0	32	18	0
York	42	8	0	39	11	0	21	23	3	3	35	4	9	2	38	11	1
Combined Results	495	174	13	496	168	18	368	232	83	10	404	145	135	8	469	218	5

	Dishonesty offences – 7 years				Drugs supply – 10 years				Drugs use – 5 years				Discrimination – 7 years				Drink driving/ driving under the influence of drugs – 7 years			
	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered
Calderdale	86	81	13	5	115	28	35	7	110	33	36	6	106	60	15	4	105	32	42	6
Kirklees	75	62	19	1	95	34	27	1	88	36	33	0	91	54	12	0	84	32	39	2
Leeds	203	35	12	0	196	13	41	0	201	22	27	0	213	21	16	0	200	12	38	0
Wakefield	10	38	3	0	30	13	7	0	27	12	12	0	19	30	2	0	32	10	9	0
York	26	20	3	1	29	14	7	0	26	15	9	0	33	14	2	1	39	5	6	0
Combined Results	400	236	50	7	465	102	117	8	452	118	117	6	462	179	47	5	460	91	134	8

	Driving whilst using a hand-held telephone or other device – 5 years				Minor traffic or vehicle related offences – 5 years				Major traffic or vehicle related offences – 7 years				Hackney carriage and private hire offences – 7 years				Vehicle use offences – 7 years			
	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered	Agree	Too Long	Too Short	Not Answered
Calderdale	71	87	19	8	62	111	8	4	94	65	24	3	73	92	11	9	75	98	11	1
Kirklees	64	71	19	3	59	93	4	1	74	63	17	3	68	77	11	1	72	73	9	3
Leeds	200	44	6	0	185	61	4	0	201	28	12	0	199	42	9	0	212	29	9	0
Wakefield	5	45	0	0	4	46	1	0	12	37	2	0	7	39	4	0	12	39	0	0
York	14	34	0	2	17	32	0	1	33	10	3	4	19	28	0	3	26	22	0	2
Combined Results	354	281	44	13	327	343	17	6	414	203	58	10	366	278	35	13	397	261	29	6

	Requirement to subscribe to DBS Update Service			Certificate of good conduct		
	Yes	No	Not Answered	Yes	No	Not Answered
Calderdale	113	67	5	88	90	7
Kirklees	118	38	1	108	47	2
Leeds	235	15	0	6	9	235
Wakefield	31	20	0	24	27	0
York	46	4	0	48	1	1
Combined Results	543	144	6	274	174	245

	Represents a majority of the number of responses in favour of the proposal
	Represents a majority of the number of responses against the proposal

Summary of respondents

	Calderdale	Kirklees	Leeds	Wakefield	York
Total Number of Responses	185	168	250	51	50
Type:					
A licensed driver	116	93	-	42	17
A licensed private hire operator	4	13	-	1	3
A licensed vehicle proprietor	3	2	-	1	17
A member of the public	58	60	19	6	2
A licensed driver/ a proprietor	-	-	-	-	9
A licensed driver/private hire operator	-	-	-	-	1
A licensed driver/a proprietor/private hire operator	-	-	227	-	-
Other	4	-	4	1	1