



LEEDS
CITY COUNCIL

LICENSING AND REGULATORY PANEL

**Meeting to be held in Civic Hall, Leeds on
Tuesday, 5th September, 2006
at 10.00 am**

MEMBERSHIP

Councillors

S Armitage
R Downes
J Dowson

J Dunn
R D Feldman
(Chair)
D Hollingsworth

G Hyde
D Schofield
D Wilson

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p>	
2			<p>EXCLUSION OF PUBLIC</p> <p>To identify items where resolutions may be moved to exclude the public</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 13 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES</p> <p>To confirm the minutes of the following meetings as a correct record:</p> <p style="padding-left: 40px;">a) 2nd May 2006 b) 9th May 2006</p> <p>(Copies attached)</p>	1 - 4

Item No	Ward/Equal Opportunities	Item Not Open		Page No
7	All Wards		<p>LICENSING AND REGULATORY PANEL - TERMS OF REFERENCE</p> <p>To consider the report of the Director of Legal and Democratic Services setting out the Terms of Reference for the 2006/07 Municipal Year for the Licensing and Regulatory Panel as agreed by Annual Council on 22nd May 2006</p> <p>(Report attached)</p>	5 - 12
8	All Wards		<p>HACKNEY CARRIAGE PROPRIETOR'S LICENCES ISSUE</p> <p>To consider the report of the Director of Legal and Democratic Services on the application process relating to two Hackney Carriage Proprietor's Licences now available for re-issue</p> <p>(Report attached)</p>	13 - 28
9	All Wards		<p>HACKNEY CARRIAGE - UNMET DEMAND SURVEY</p> <p>To consider the report of the Director of Legal and Democratic Services requesting the Panels comments on the "Statement of Requirements" necessary for the Council to conduct an "Unmet Demand Survey" in respect of Hackney Carriage Proprietor licences</p> <p>(Report attached)</p>	29 - 42
10	All Wards		<p>CUSTOMER CARE PLAN - COSTS OF PROPOSALS FOR HACKNEY CARRIAGE TRADE DRIVERS</p> <p>To consider the report of the Director of Legal and Democratic Services setting out the costs of the implementation of the proposed Customer Care Plan in respect of Hackney Carriage Proprietors and Drivers</p> <p>(Report attached)</p>	43 - 46

Item No	Ward/Equal Opportunities	Item Not Open		Page No
11	All Wards		<p>TAXI AND PRIVATE HIRE LICENSING SECTION - QUARTERLY REPORTS</p> <p>To consider the following two reports by the Director of Legal and Democratic Services setting out details of the licensing activity carried out by the Taxi and Private Hire Licensing Section</p> <ul style="list-style-type: none"> a) Quarterly Report January to March 2006 b) Quarterly Report April to June 2006 <p>(Reports attached)</p>	47 - 54

Agenda Item 6

LICENSING AND REGULATORY PANEL

2ND MAY 2006

PRESENT Councillor R D Feldman in the Chair
Councillors Wilkinson and Wilson

PRESENT Mr D Broster – LCC Taxi & Private Hire Licensing
Mr M Johnson – Taxi & Private Hire Licensing
Mr D Cowley – Taxi & Private Hire Licensing
Mr B Heptinstall – TOA
Mr M Hayton – LAPTA
Mr Z Din - LITDA

89 Chairs Opening Remarks

The Chair declared the meeting inquorate, as there were not the required number of Members present to consider business.

Those present agreed to defer consideration of the agenda to a meeting to be scheduled for Tuesday 9th May 2006 at 1.00 pm

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LICENSING AND REGULATORY PANEL

9TH MAY 2006

PRESENT Councillor Wilson in the Chair
Councillors Coulson (substitute), Dunn,
Mrs Feldman (substitute), Harington, Hollingsworth
and Wilkinson

IN ATTENDANCE Mr D Broster – LCC Taxi & Private Hire Licensing
Mr M Johnson – LCC taxi & Private Hire licensing
Mr A Ali – City Cabs (LAPTA)

90 **Chairs Opening Remarks**

Councillor Wilson chaired the meeting in the absence of Councillor R D Feldman and welcomed Councillor Mrs Feldman and Councillor Coulson as substitute members.

It was noted that the business to be considered at this meeting had been adjourned from the meeting held 2nd May 2006 which had been inquorate

91 **Declarations of Interest**

There were no declarations of interest

92 **Minutes**

RESOLVED – That the minutes of the meeting held on 4th April 2006 be agreed as a correct record

93 **Proposed Customer Care Plan**

The Director of Legal and Democratic Services submitted a report on proposals for the introduction of a Customer Care Plan for Hackney Carriage Proprietors and drivers and the implications for the Council's relevant current conditions

Panel had previously granted approval "in principle" for proposals for a Plan to be introduced for both the Hackney Carriage and Private Hire trades which would identify the level of service a customer could expect.

Proposals for the Private Hire Trade would be presented at a future meeting.

Attached to the report were copies of the following:

- a proposed Customer Care contract to be issued to and signed by the Hackney Carriage proprietor
- a draft Customer Care Booklet to be carried within Hackney Carriage vehicles at all times and to be available at the request of customers
- options for window stickers for Hackney Carriage vehicles

Officers tabled a proof copy of the Customer Care Booklet to provide Panel with an idea of the final design, along with examples of the two window sticker options

It was reported that the Hackney Carriage Trade broadly welcomed the proposals however the concerns of some representatives with regard to the

information to be displayed on the front of the Customer Care Booklet pertaining to the proprietor were outlined to the Panel

The Panel considered the comments of the trade representatives and discussed the following matters

- production costs of the material and resource implications for the Council
- future purchase cost to the proprietor
- number of booklets to be issued to each proprietor and to be carried at any one time in a vehicle
- existing methods for dealing with customer complaints

RESOLVED –

- a) That Panel approve the proposals for the introduction of a Customer Care Plan in respect of Hackney Carriage Proprietors and Drivers and the necessary changes to Conditions.
- b) That officers be requested to consider the costs of the implementation of the proposals and to bring a report back to Panel at the appropriate time



Report of the DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

LICENSING AND REGULATORY PANEL

Date: 5TH SEPTEMBER 2006

Subject: LICENSING AND REGULATORY PANEL – TERMS OF REFERENCE

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

To draw Members' attention to the Terms of Reference and scheme of delegations with regard to the functions of the Licensing and Regulatory Panel for the 2006 – 2007 Municipal Year

1.0 Purpose Of This Report

The purpose of this report is to draw Members attention to the Terms of Reference and Officer Delegation Scheme for the Licensing and Regulatory Panel 2006 – 2007.

2.0 Main Issues

This report sets out the Terms of Reference of the Licensing and Regulatory Panel for the 2006 – 2007 Municipal Year as agreed by Annual Council on 22nd May 2006.

Appendix A contains a copy of the Terms of Reference

Additionally the Officer Delegation Scheme which gives greater detail on the roles of officers relating to the functions of the Licensing and Regulatory Panel is attached at Appendix B

3.0 Recommendations

Members of the Licensing and Regulatory Panel are requested to

- a) To note the Terms of Reference for the Panel as attached at Appendix A
- b) To note the contents of the Officers Scheme of Delegation as attached at Appendix B

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REGULATORY PANELS**Licensing and Regulatory Panel**

The Licensing and Regulatory Panel is authorised to discharge¹ the following functions:²

1. To discharge all Council (non-executive)³ functions relating to:

(a) licensing and registration functions⁴ in respect of:

- (i) caravan sites⁵
- (ii) hackney carriages and private hire vehicles⁶
- (iii) pool promoters⁷
- (iv) track betting licences⁸
- (v) amusement machines⁹
- (vi) lotteries¹⁰
- (vii) amusements with prizes¹¹
- (viii) sex shops and sex cinemas¹²
- (ix) performances of hypnotism¹³
- (x) acupuncture, ear-piercing and electrolysis¹⁴
- (xi) pleasure boats and vessels¹⁵
- (xii) market and street trading¹⁶
- (xiii) game¹⁷
- (xiv) premises for the preparation of food¹⁸
- (xv) scrap yards¹⁹
- (xvi) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals²⁰

¹ With the exception of any licensing function under the Licensing Act 2003, the Panel and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution

² "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

³ Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the 2000 Regulations).

⁴ Para. B of Schedule 1 to the 2000 Regulations

⁵ Items 1 and 2 of Para. B of Schedule 1 to the 2000 Regulations

⁶ Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

⁷ Item 6 of Para. B of Schedule 1 to the 2000 Regulations

⁸ Items 7 and 8 of Para. B of Schedule 1 to the 2000 Regulations

⁹ Item 9 of Para. B of Schedule 1 to the 2000 Regulations

¹⁰ Item 10 of Para. B of Schedule 1 to the 2000 Regulations

¹¹ Item 11 of Para. B of Schedule 1 to the 2000 Regulations

¹² Item 15 of Para. B of Schedule 1 to the 2000 Regulations

¹³ Item 16 of Para. B of Schedule 1 to the 2000 Regulations

¹⁴ Item 17 of Para. B of Schedule 1 to the 2000 Regulations

¹⁵ Item 18 of Para. B of Schedule 1 to the 2000 Regulations

¹⁶ Item 20 of Para. B of Schedule 1 to the 2000 Regulations

¹⁷ Item 23 of Para. B of Schedule 1 to the 2000 Regulations

¹⁸ Item 24 of Para. B of Schedule 1 to the 2000 Regulations

¹⁹ Item 25 of Para. B of Schedule 1 to the 2000 Regulations

²⁰ Items 29 - 33 of Para. B of Schedule 1 to the 2000 Regulations

APPENDIX A

Council Committees' Terms of Reference

- (xvii) knackers' yards²¹
- (xviii) the employment of children²²
- (xix) premises for the solemnisation of marriage²³
- (xx) charitable collections²⁴
- (xxi) operation of loudspeakers²⁵
- (xxii) movement and sale of pigs and cattle²⁶
- (xxiii) storage of celluloid²⁷
- (xxiv) meat product premises and dairy establishments²⁸
- (xxv) egg products, butchers and fish products²⁹
- (xxvi) auction and wholesale markets³⁰
- (xxvii) food business premises³¹
- (xxviii) motor salvage operators³²

(b) health and safety at work³³ to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

2. In respect of any approval, consent, licence, permission, or registration which they may grant,

- (a) To impose conditions limitations or restrictions;
- (b) To determine any terms;
- (c) To determine whether and how to enforce any failure to comply;
- (d) To amend, modify, vary or revoke;
- (e) To determine whether a charge should be made or the amount of such a charge.

²¹ Item 34 of Para. B of Schedule 1 to the 2000 Regulations

²² Item 35 of Para. B of Schedule 1 to the 2000 Regulations

²³ Item 36 of Para. B of Schedule 1 to the 2000 Regulations

²⁴ Item 39 of Para. B of Schedule 1 to the 2000 Regulations

²⁵ Item 40 of Para. B of Schedule 1 to the 2000 Regulations

²⁶ Items 43 – 46 of Para. B of Schedule 1 to the 2000 Regulations

²⁷ Item 56 of Para. B of Schedule 1 to the 2000 Regulations

²⁸ Items 57 – 59 of Para. B of Schedule 1 to the 2000 Regulations

²⁹ Items 60 - 63 of Para. B of Schedule 1 to the 2000 Regulations

³⁰ Item 66 of Para. B of Schedule 1 to the 2000 Regulations

³¹ Items 67-68 of Para. B of Schedule 1 to the 2000 Regulations

³² Item 71 of Para. B of Schedule 1 to the 2000 Regulations

³³ Para. C of Schedule 1 to the 2000 Regulations

3. To discharge any licensing function³⁴, where full Council has referred a matter to the Panel.³⁵

³⁴ Under the Licensing Act 2003

³⁵ (Section 7(5)(a) of the Licensing Act 2003). The matter must relate to

- a licensing function of the licensing authority and
- a function which is not a licensing function.

Unless the matter is urgent, the Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7(6)).

APPENDIX A

Officer Delegation Scheme (Council (non-executive) functions)

Director of Legal and Democratic Services

1. The Director of Legal and Democratic Services is the Monitoring Officer for the Council.
2. Subject to the exceptions listed below, the Director of Legal and Democratic Services is authorised to discharge the following Council (non-executive) functions:

Licensing and Regulations:

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	*To register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(e)	*To grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(f)	*To licence inter-track betting schemes	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963
(g)	*To grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968
(h)	*To register societies wishing to promote lotteries	Schedule 1 to the Lotteries Amusements Act 1976
(i)	*To grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976
(j)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(k)	*To licence performance of hypnotism	The Hypnotism Act 1952
(l)	*To issue cinema and cinema club licences ⁷	Section 1 of the Cinema act 1985

⁷ Under the Licensing Act 2003 this will be a licensable activity and the function of granting or varying a licence to authorise this activity will be discharged by the Licensing Committee. Between 7 February 2005 and a date to be appointed by the Secretary of State, the Licensing and Regulatory Panel will deal with new applications or requests for immediate variations for these types of licence, and the Director of Legal and Democratic Services may do so under this delegated authority. The Licensing Committee will deal with conversions to and variations of licences under the Licensing Act 2003. Licences granted by the Licensing Part 3 section 2C

APPENDIX A

Officer Delegation Scheme (Council (non-executive) functions)

(m)	*To issue theatre licences'	Sections 12 to 14 of Theatres Act 1968
(n)	*To issue entertainment licences'	Section 79 of the Licensing Act 1964, sections 1 to 5 and 7 and Part I of and Schedules 1 and 2 to the Local Government (Miscellaneous Provisions) Act 1982
(o)	*To license night cafes'	Section 2 of the Late Night Refreshment Houses Act 1969
(p)	*To license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972
(q)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(r)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(s)	*To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
(t)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

Functions relating to elections:

(a)	Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part
(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to standing orders:

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

Committee will come into force from the appointed date and licences granted by the Licensing and Regulatory Panel or the Director of Legal and Democratic Services under delegated authority will then lapse.

APPENDIX A

Officer Delegation Scheme (Council (non-executive) functions)

Exceptions:

The Director of Legal and Democratic Services is not authorised to discharge those functions marked *above where objections have been received.

Licensing Functions delegated by Licensing Committee:

<p>Subject to the exceptions listed below, the Director of Legal and Democratic Services is authorised to discharge the licensing functions⁸ of the licensing authority.</p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none">• any licensing function¹ reserved to full Council;⁹ and• any licensing function where full Council has referred a matter to a committee other than the Licensing Committee;¹⁰ and• any licensing function within the terms of reference of the Licensing Sub-committees¹¹; and• any function under Section 52(2) or (3) of the Act; and• any function under Section 88(2) or (3) of the Act; and• any function under Section 167(5) of the Act: and• to determine whether Section 20(3) or 74(3) applies to a film and make recommendations about the admission of children to that film; and• to object when the Authority is consultee and not the relevant authority considering an application.	Licensing Act 2003
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⁸ "Licensing functions" means functions under the 2003 Act

⁹ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁰ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹¹ Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer.

Part 3 section 2C

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Issue 1 – May 2006



Originator: John Mulcahy

Tel: 39 51877

Report of the Director of Legal and Democratic Services

Licensing and Regulatory Panel

Date: 5 September 2006

Subject: HACKNEY CARRIAGE PROPRIETOR'S LICENCES ISSUE

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

Two Hackney Carriage Proprietor's Licences have become available for reissue. This report gives details of the procedure that will be used to invite and evaluate applications for the two licences for the Panel's information.

The procedure meets the requirements of the recommendations from the Scrutiny Board (Central and Corporate Functions) Inquiry dated 9 September 2003 regarding the allocation criteria for Hackney Carriage Proprietor's Licences.

A full consultation has been carried out with the trade, and no comments were received.

Applications for the two licences will be advertised in the local press in the usual manner.

1.0 Purpose of this Report

- 1.1 To report details of the method of issue for 2 Hackney Carriage Proprietors Licences that have become available for reissue and the results of the trade consultation for the Licensing and Regulatory Panel's information only.

2.0 Background Information

- 2.1 On 28 May 2002, the Chief Legal Officer took a delegated decision to grant 135 Hackney Carriage Proprietor's Licences to meet an identified significant unmet demand. Along with applications for the licences, a number of representations were also received from the trade at the time challenging the criteria and procedure being used to issue the licences.
- 2.2 As a result legal advice was sought in October 2002. The criteria and procedure was amended in accordance with the advice received in January 2003 and a new condition was introduced to seek to control the circumstances in which such a licence could be transferred.
- 2.3 In June 2003 Scrutiny Board (Central and Corporate Functions) received a request for scrutiny from members of the hackney carriage trade regarding the allocation criteria for the licences. The Board conducted the Inquiry and received evidence from representatives of the trade and from Legal and Democratic Services on the issue. After considering the evidence, the Board made a number of recommendations in its final report dated 9 September 2003. The Executive Summary listing those recommendations is attached at Appendix A.
- 2.4 The issue of the 135 licences was completed on 8 November 2005.

3.0 Main Issues

- 3.1 2 of the 135 licences have now become available for reissue. These 2 licences will be issued in accordance with the revised criteria and procedure detailed in Appendices B to D, which take into account the recommendations of Scrutiny Board (Central and Corporate Functions) detailed at Appendix A.
- 3.2 Consultation was carried out with hackney carriage trade associations, independent proprietors and private hire operators in accordance with Recommendation 1 from Appendix A in July 2006. There is no material change to the application criteria or process from the last issue, other than the change in 3.4 of this report in response to a further recommendation, so there was no requirement to carry out the wider consultation recommended by Scrutiny Board (Central and Corporate Functions). There were no comments raised by the trade in response to the consultation.
- 3.3 Licensing and Regulatory Panel will recall their decision taken to implement a corporate customer care plan for Hackney Carriages in Leeds at their meeting on 9 May 2006. This meets the requirements of Recommendation 2 from Appendix A and the requirement to provide a customer care plan as part of the application process for the licences has now been removed from the attached criteria and process accordingly.
- 3.4 A Panel of three officers from Legal and Democratic Services will consider and evaluate all applications received for the two licences. This meets the requirements of Recommendation 3 from Appendix A.

3.5 Any appeals will be referred to Licensing and Regulatory Panel for consideration. This meets the requirements of Recommendation 4 of Appendix A.

4.0 Implications for Council Policy and Governance

4.1 None.

5.0 Legal and Resource Implications

5.1 Hackney Carriage Proprietor's Licences are granted by the local authority under section 37 of the Town Police Clauses Act 1847.

5.2 The criteria and process a local authority uses to evaluate applications for licences is at its own discretion, but clearly that process needs to be transparent with sound reasoning to support it. The criteria and process that will be used to issue these licences in Leeds is supported by legal advice and the Council's Scrutiny Board (Central and Corporate Functions).

5.3 There are no resource implications for the issue of these licences as they form part of the additional 135 licences issued to address the unmet demand from the last independent survey in 2002.

6.0 Conclusions

6.1 The Chief Legal Services Officer will be asked to take a Delegated Decision to issue the 2 licences in accordance with the criteria and procedure attached at Appendices B to D.

7.0 Recommendations

7.1 That Licensing and Regulatory Panel note the content of this report. An advert will be placed in the local newspaper inviting applications for the 2 licences as soon as the Delegated Decision has been taken by the Chief Legal Services Officer.

APPENDICES

- A. Recommendations from Scrutiny Board (Central and Corporate Functions) Final Report dated 9 September 2003.
- B. Hackney Carriage Proprietor's Licence – Application Guidance.
- C. Hackney Carriage Proprietor's Licence – Criteria Justification.
- D. Hackney Carriage Proprietor's Licence – Application Form.

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SCRUTINY BOARD (CENTRAL AND CORPORATE FUNCTIONS)

EXECUTIVE SUMMARY

Scrutiny Board (Central and Corporate Functions) received a request for Scrutiny from members of the hackney carriage trade regarding the allocation criteria for vehicle licences. The Board received evidence from a representative of the trade and from Legal and Democratic Services on this issue. After considering the evidence, the Board has made the following recommendations:

RECOMMENDATION 1

That the Legal and Democratic Services Department consult with the recognised hackney carriage trade representatives on matters affecting the hackney carriage trade.

The consultation is broadened to include the use of newspaper advertisements inviting comment on proposed service changes.

That consultation takes place with CITs on proposed service changes.

RECOMMENDATION 2

That the department establishes a universal Customer Care Plan to which vehicle licence holders will be expected to adhere and that individual customer care plans no longer form part of the licence allocation process.

RECOMMENDATION 3

That the department establishes an Allocations Panel consisting of three or more officers.

RECOMMENDATION 4

That the department establishes an appeals mechanism to consider matters which have been open to interpretation by the Allocations Panel.

RECOMMENDATION 5

That the department prepares and submits to the November meeting of Scrutiny Board (Central and Corporate Functions) a report on the advantages and disadvantages of the current policy of limiting the number of licences, including a critical analysis of alternative arrangements.

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GUIDANCE NOTE

HACKNEY CARRIAGE PROPRIETOR LICENCE APPLICATIONS

- 1 This guidance will be used for all issues of Hackney Carriage Proprietor's Licences.
- 2 Applications will be determined by the Director of Legal and Democratic Services' nominees who will sit on an Allocations Panel.
- 3 Applications will be sorted into Groups prior to their being considered by the Allocations Panel.
- 4 On this occasion only TWO licences are available for allocation. In the event that the licences are not allocated to applicants from Group A, then licences will be allocated to each of these Groups in turn until all the licences have been allocated (i.e. licences will be granted to Group A applicants first, then Group B, then Group C etc.). The Groups are as follows: -

GROUP A: Applicants who currently hold a Leeds City Council hackney carriage driver's or proprietor's licence.
GROUP B: Applicants who currently hold a Leeds City Council private hire driver's, vehicle or operator's licence.
GROUP C: Applicants who currently hold a hackney carriage driver's or proprietor's licence granted by another Local Authority.
GROUP D: Applicants who currently hold a private hire driver's, vehicle or operator's licence granted by another Local Authority.
GROUP E: Applicants who do not presently hold any of these licences.
- 5 As applications are received they will be sorted into Groups and passed to the Allocations Panel. The Panel will first consider the Financial Plan put forward by the Applicant in support of their application. These will be submitted at the same time as the application form.

Financial Plan

It is essential that all Applicants produce a plan giving full details of how the hackney carriage vehicle will operate and be financed. Applicants who do not produce a full plan, addressing each of the following points, will not be successful in their application. The Financial Plan must include details of the following, which will be considered by the Panel:

That the Applicant has sufficient funds to purchase and insure a vehicle which is accessible by a passenger who uses a wheelchair. Evidence will be required in support of this and must be in one of the following formats:

- A letter from a Bank / Building Society / other financial lender confirming that the Applicant has secured sufficient financial provision to purchase and insure the vehicle.

- Written details of a Credit / Hire Purchase agreement / Lease / Contract Hire etc in similar terms to the above.
- Written details of any other financial arrangement which the Applicant has entered into to fund the purchase and insurance of the vehicle.

PROVISIONAL GRANT OF PROPRIETOR LICENCES

- 6 Those Applicants who have satisfied the Panel of their Financial proposals will be allocated a licence in accordance with their Grouping and their licence history until the issue of the 2 hackney carriage proprietor's licences is complete. In circumstances where the number of applicants who meet these criteria and have the greatest number of points pursuant to their licence history exceeds the number of licences to be allocated the allocation will be made by way of random selection within the group. Licences will then be provisionally granted **subject** to the completion of a satisfactory criminal records check (see below).
- 7 The Applicants licence history (if any) will be considered and points will be awarded/deducted in accordance with the following:

Licence History

Applications from those who currently hold a Leeds City Council hackney carriage or private hire driver's, operator's vehicle or proprietor's licence will be allocated points as follows:

- Applicants who are currently licensed as hackney carriage drivers or proprietors or private hire drivers or operators or who hold a private hire vehicle licence will be allocated two points for each year of service, taken from the date on which the advertisement of the release of the licences is published. A ceiling will be set of 5 years service. Therefore the maximum number of points an Applicant with five years plus service will receive will be 10. Multiple licence holders will be allocated points on the licence which is in the highest grouping and which they have held the longest (i.e. if an Applicant holds a private hire and hackney carriage driver's licence he will be allocated points on his hackney carriage licence only).
- Applicants who have a break in their driving service of ninety days or less will be awarded points commensurate with their total length of service, irrespective of this break. Applicants who have a break in service in excess of ninety days will normally have their length of service determined according to when their service recommenced.
- Applicants whose drivers licence has been substantially suspended by the Council's Taxi and Private Hire Licensing Section within two years of the date of the advertisement for the release of the licences being published, will incur ten penalty points.

Applicant's who currently hold licences with other Authorities will be allocated points in similar terms.

Criminal Record

Applications from those with unspent criminal convictions will be rejected, save for those who have minor road traffic or driving offences or where there are exceptional circumstances surrounding the commission of the offence. For these purposes convictions also includes a Home Office caution.

The minor motoring offences which will not be referred to will be as those outlined in Appendix One. Exceptional circumstances will be considered on a case by case basis and reasons will be given if the Panel consider that the Applicant does not meet these exceptional circumstances.

The Council reserves the right to also consider any further information as may be revealed by way of enhanced disclosure and to refuse to grant a licence on the basis of that information.

Transfer of Hackney Carriage Proprietor Licence

Applicants who have previously held and transferred a Hackney Carriage Proprietor Licence will be asked to provide an explanation as to why they made the transfer. Unless there is a good explanation for that transfer then it will be deemed that they are not satisfactory applicants in terms of being able to supply a service for customers and they will not be awarded a licence.

All licences granted will be subject to the Council's standard conditions for wheelchair accessible hackney carriages. The condition referring to the transfer of Proprietor's Licences is as follows: -

“Where the Council receives notice of a transfer of an interest in a Hackney Carriage under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the vehicle licence shall be suspended under the provisions of Section 60 of that Act unless the Council has previously approved the transfer or until the Council has approved the transfer. In considering whether to give its approval to the transfer the Council shall have regard to the reasons for the proposed transfer, and any other reasonable cause, and shall withhold its approval where a) it reasonably concludes that a significant purpose of the transfer or in obtaining the vehicle was to effect its onward sale or b) any other reasonable cause is established.”

The Council wishes to ensure that the proprietors who are licensed provide the best service possible to the residents of Leeds. In order to achieve this, a set of criteria has been devised to assist the Council when allocating new Proprietor Licences. The above condition is required to ensure that the objective of the Council is not usurped by proprietors obtaining licences and transferring these on, perhaps even immediately, to third parties who would not have been granted a plate under the Council's criteria.

The Council wishes to satisfy itself that in each and every case such a transfer has taken place for good reason and that the Council has no reasonable cause to object to the proposed proprietor. The Council would generally consider that the transfer of a licence for monetary gain would not be an acceptable reason, and equally, would normally not consent where knowing all the circumstances it would have any reasonable cause to revoke the licence should it be granted to the proposed proprietor.

MINOR MOTORING OFFENCES

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
AC30	Undefined accident offence
CU10	Using vehicle with defective breaks
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or access (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU60	Undefined failure to comply with Construction and Use Regulations
LC10	Driving without a licence
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Playstreet Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined Contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
PL10	Driving without 'L' plates
PL20	Not accompanied by a qualified person
PL30	Carrying a person not qualified
PL40	Drawing an unauthorised trailer
PL50	Undefined failure to comply with conditions of a Provisional Licence
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a stop sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction or sign

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THE CRITERIA: JUSTIFICATION

Background

Once significant unmet demand has been identified, the Local Authority cannot refuse to grant a hackney carriage proprietor's licence. However, the method of issue is discretionary.

The criteria has been developed to ensure that the proprietors which are licensed will provide the best service possible to the residents of Leeds. The legislation under which the hackney carriage proprietor's licence falls does not provide any guidance on how the licence should be granted. However, it is a Proprietor's Licence and therefore the Local Authority must be satisfied that the recipient of a licence will provide a vehicle which is satisfactory.

Leeds City Council has identified accessibility and quality of service provision as being of paramount importance when determining what qualities are of most importance when determining an allocations criteria to assist in granting these licences.

Leeds City Council requires all newly licensed hackney carriage vehicles to be accessible by passengers who use a wheelchair. A licence will not be granted for any other type of vehicle and the vehicle proposed must be approved or appear on the Council's Approved List of Vehicles.

Groupings

It is recognised that Applicants who are currently licensed as a hackney carriage driver or proprietor have a knowledge, commitment and experience which will be of benefit to those using the hackney carriage service in Leeds. The Authority recognises that those presently working within the hackney trade have this knowledge, experience and commitment and therefore Applicants presently licensed as hackney drivers or proprietors will be allocated licences before those Applicants who are from a private hire background or those who do not presently work within the licensed trade.

Whilst there is no requirement that Applicants should reside in the Leeds area, to reflect the fact that those who are presently licensed by the Authority do have knowledge and experience of the trade in Leeds, those who hold a Leeds licence will be given priority over those who may be licensed elsewhere. However, to reflect the fact that those who are licensed do have experience of the trade, applicants who have licences granted by other Local Authorities will be "ranked" higher than the general public.

The Financial Plan

In respect of service provision, the Local Authority must be satisfied that the proprietor will provide a good service to visitors to and residents of Leeds. Consequently, in considering the application regard will primarily be had to the financial plan put forward by the Applicant.

Licensee History

To reflect the standard of service which the Local Authority expects and customer care, those Applicants who are or have been licensed by Leeds City Council or another Authority will be allocated additional points. These points will be distributed depending on the length of service of an Applicant. However, points will be deducted where the Applicant has received a suspension from the relevant Licensing Authority. A maximum length of service (5 years) has been applied. This has been included to reflect the commitment given to the service but also to open the process up to all drivers, including those who may be new to the trade but can still offer a quality service. It is also recognised that a proportion of the licensed trade in Leeds are from an ethnic background and the Council is keen to promote applications from all sections of the community in line with its corporate Equal Opportunities policies. No minimum service requirement has been set but Applicant's will only accrue points for each full year of their service.

Breaks of service of less than ninety days will not be penalised. The reasons given by an Applicant for a break of service of more than ninety days may be considered by the Panel when determining whether to deduct points.

Criminal Record

The Local Authority also recognises that licence holders are placed in a position of trust. Therefore, applicants with a criminal record will be rejected save for those applicants who have minor road traffic or motoring offences. Consequently each Applicant will be subject to a Police check irrespective of whether they have already been vetted as part of an earlier licence application. The appropriate fee will be payable to the Criminal Record Bureau for this check.

LEEDS CITY COUNCIL

HACKNEY CARRIAGE PROPRIETOR'S LICENCE APPLICATION

(1) **PERSONAL DETAILS**

FULL NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____

_____ POSTCODE: _____

(2) **LICENCE HISTORY: LEEDS**

DO YOU CURRENTLY HOLD ANY LICENCES GRANTED BY LEEDS CITY COUNCIL?

Yes No

(If yes, please complete details below, if no, please go to (3))

I CURRENTLY HOLD THE FOLLOWING LICENCES ISSUED BY LEEDS CITY COUNCIL: (Please tick as appropriate)

Hackney Carriage
Proprietor's Licence Plate Number _____

Hackney Carriage
Driver's Licence Badge Number _____

Private Hire
Vehicle Licence Plate Number _____

Private Hire
Driver's Licence Badge Number _____

Private Hire
Operator's Licence Licence Number _____

(3) **LICENCE HISTORY: AUTHORITIES OUTSIDE LEEDS**

DO YOU CURRENTLY HOLD ANY LICENCES GRANTED BY ANY OTHER LOCAL AUTHORITY?

Yes No

(If yes, please complete details below, if no, please go to Declaration)

WHICH AUTHORITY ARE YOU PRESENTLY LICENSED BY? _____
(Please specify)

WHICH LICENCES DO YOU CURRENTLY HOLD?

Hackney Carriage
Proprietor's Licence Plate Number _____

Hackney Carriage
Driver's Licence Badge Number _____

Private Hire
Vehicle Licence Plate Number _____

Private Hire
Driver's Licence Badge Number _____

Private Hire
Operator's Licence Licence Number _____

(4) **DECLARATION**

I understand that the information I have given on this application will be used to assess my application for a Hackney Carriage Proprietor's Licence and confirm that it is true to the best of my knowledge and belief.

I enclose with this application a financial plan giving full details of how the Hackney Carriage vehicle will operate and be financed (please tick)

Signed _____ **Date** _____

PRINT NAME: _____

PLEASE RETURN THIS FORM BY HAND TO THE TAXI AND PRIVATE HIRE LICENSING SECTION, 225 YORK ROAD, LEEDS LS9 7RY NO LATER THAN <<**DATE**>>. APPLICATIONS RECEIVED AFTER THIS DATE WILL NOT BE CONSIDERED.

For T+PHL use only:

Application number: _____

Service Points	
Penalty Points	
Total Points	
Checked By	



Report of the Director of Legal and Democratic Services

To the Licensing and Regulatory Panel

Date: 5th September 2006

Subject: HACKNEY CARRIAGE - UNMET DEMAND SURVEY

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

In response to an Executive Board decision to conduct an 'unmet demand' survey, enabling the Council to consider its existing policy on the regulating of Hackney Carriage Proprietor licences, Officers have set out proposals for consideration in determining the way in which the survey is conducted.

Members of the Licensing and Regulatory Panel are requested to provide comments on the scope of the 'statement of requirements' enabling Officers to then progress to identifying a consultant within the Council's procurement policy.

The final and approved 'statement of requirements' will direct the selected consultant to conduct the survey in accordance with the Council's wishes and within set time scales.

1.0 Purpose Of This Report

- 1.1 To inform Members of the proposed 'statement of requirements' considered appropriate to secure information to enable the Council's Executive Board to review its policy on restricting the numbers of Hackney Carriage Proprietor licences.

2.0 Background Information

- 2.1 Hackney Carriage Proprietor licences are granted by the Local Authority under Section 37 of the Town Police Clauses Act, 1847.
- 2.2 The Town Police Clauses Act, 1847, as amended by the Transport Act 1985, allows a Local Authority to limit the number of Hackney Carriage Proprietor licences if but only if it is satisfied there is no significant demand for the service of Hackney carriages within its area. The Council currently remains satisfied that there is no significant unmet demand.
- 2.3 The Office of Fair Trading (OFT) started an enquiry into Local Authorities across the country dealing with issues of regulating the numbers of licences. The OFT made recommendations to the Government who considered the position and proposed that those authorities who did regulate the numbers of Hackney Carriage licences review and justify their position.
- 2.4 The Governments recommendations were considered by the Executive Board who determined that the Council's current policy of regulating the number of Hackney Carriage Proprietor licences should be reviewed and that an unmet demand survey should be conducted to inform that review. Attached to this report is a draft paper identifying the key areas for survey and research by the consultant
- 2.5 It is accepted practice to identify and use a consultant with the appropriate levels of expertise in this field to carry out the survey. Case law suggests that surveys carried out by officers do not form an adequate basis for restricting licence numbers

3.0 Main Issues

- 3.1 Members are advised that before a decision can be made on whether or not to continue with or change its existing policy to restrict the number of Hackney Carriage Proprietor licences it issues, it is essential that the most appropriate information is gained through an unmet demand survey.
- 3.2 To enable this a 'statement of requirements' sets out, amongst other things, key consultees, time tables, outputs and performance accountability. Contained within that specification at 6.5 are a range of other issues which Officers consider may have importance when the Council reviews its existing policy.
- 3.3 There may be a variety of issues which could be included but Members are advised that the requirement for this survey is to measure 'unmet demand'. Attaching other issues may lengthen the process, incur additional expense and confuse the purpose of the report.
- 3.4 The selection process to identify the successful consultant will be conducted within the Council's procurement policy.

3.5 There are extensive background documents about the issues but they do not form part of this report, which is to deal with and approve the scope, time scales, consultees and outputs to be met by the consultant.

4.0 Implications For Council Policy And Governance

4.1 The provision of a Taxi service impacts across the whole of the Council and particular contributing issues have been identified in the 'statement of requirements' as highlighted at 6.5.

4.2 The extent of consultation is identified within the 'statement of requirements'. Emphasis has been placed on securing supportive evidence as opposed to anecdotal examples during the consultation process.

4.3 The cost of the survey will fall upon the Taxi and Private Hire Licensing Section but the cost will not be known precisely until the tenders have been submitted.

5.0 Legal And Resource Implications

5.1 As set out in paragraph 2.2 above the Council can restrict the number of Hackney Carriage licences it issues if but only if it is satisfied that there is no significant unmet demand within the District. The last unmet demand survey was carried out in 2000. As such the Council should repeat the survey even to justify maintaining existing limits. If the Council does not carry out another survey then any decision to refuse an application for a new licence is scaleable on the grounds that the Council cannot be so satisfied.

5.2 Once the survey has been completed then the Council must decide, in light of the results, whether to remove the restriction, maintain the existing restriction or to increase the number of licences on a managed basis until there is no further significant unmet demand.

5.3 The cost of completing the survey is anticipated to be in the region of.....

6.0 Conclusions

6.1 The proposals set out in the proposed tender specification document are in the format approved within the procurement policy.

6.2 The timetable for the survey enables a whole year overview and an insight into how the additional Hackney Carriage plates issues within recent years and the provision of new Taxi ranks are effecting service provision.

6.3 The 'statement of requirements' is aimed specifically at identifying those key areas of information required to influence and guide the decision making process.

7.0 Recommendations

7.1 That Members consider and approve the proposed specification to enable Officers to proceed to the procurement stage.

APPENDIX 1



Chief Executives Department

Legal and Democratic Services

**Taxi and Private Licensing
225 York Road
Leeds
LS9 7RY**

A review of the Council Policy to regulate the number of Hackney Carriage Licences issued by conducting an Unmet Demand Survey within the Licensing district of Leeds.

Unique Reference: T&PHL UNMETDS2006

Draft Date:

Final Revision Date:

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- 2.0 Background – Leeds City Council Policy
- 3.0 Scope
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 - 6.2 Data Sources
 - 6.3 Time Scales for Submission
 - 6.4 Consultees
 - 6.5 Outputs
 - 6.6 Performance Accountability

1. **Introduction**

The Town Police Clauses Act, 1847, grants a discretion to a Licensing Authority to limit the numbers of proprietors licences it thinks fit to grant.

The power has been used in some cases to restrict the numbers of proprietor's licences enabling that authority to exercise control over the fleet.

Section 16, Transport Act, 1985, changes that principle of the Town Police Clauses Act, to the extent that the grant of a proprietors licence may only be refused for the purposes of limiting numbers if the Authority is satisfied there is no significant unmet demand for the services of Hackney Carriages in that licensing district.

It is this particular area of legislation which has attracted the attention of the Office of Fair Trading who have expressed concerns at Government level which appeared in a report entitled 'The Regulation of Licensed Taxis and Private Hire Vehicles in the UK (November 2003.) (Appendix 1.)

Tenderers are expected to be familiar with all the relevant reports from the Office of Fair trading concerning the regulation of licensed Taxis and Private Hire vehicle services in the UK and the relevant legal framework.

Since November 2003 some of the content of the original reports may now be out of date and the most recent information should be continually appraised.

Similarly, the Government response to the Office of Fair Trading report and work undertaken by the Department for Transport integral to this exercise are essential sign posts.

The Government response is, in essence, a requirement that all local Authorities who regulate the granting of Proprietors licences review that policy.

That point has been considered by this Authority and it has been determined that Leeds City Council will assess those issues in Leeds as set out within this document.

The successful tenderer will have demonstrated that they can meet those requirements within a 'value for money' environment.

2. **Background – Leeds City Council Policy**

Leeds City Council regulates the number of proprietor licences it grants for Hackney Carriages. Up until 1994 these were 262 such licences and these were used on saloon vehicles.

Following the proposals of the Disability Discrimination Act, 1995, the Council conducted an 'Unmet Demand' survey using a specialist consultant.

Having considered the final report, Members determined three key matters: -

- The Authority would continue to regulate the number of Hackney Carriage Proprietor licences issued
- There would be a controlled expansion of the licensed fleet with additional proprietor plates being granted

- That those new proprietor licences would only be granted to vehicles which were wheelchair accessible

The policy was implemented and the agreed number of new proprietor licences was allocated following an applications process.

There is undoubtedly demand for the personal hire of vehicles, either Hackney Carriages or Private Hire, indicated by the licence base in the Leeds licensing district.

Currently there are 537 Hackney Carriage vehicles, 1068 Hackney Carriage Drivers, 3341 Private Hire Vehicles and 4160 Private Hire Drivers.

3 Scope

The overall scope of the review is more closely defined within this Section, which is intended to direct the contractor to those key areas from which evaluated and qualified information may be obtained, but not to the exclusion of other consultees who may be recognised during the process.

The review is to be conducted within the Licensing District of Leeds City Council. It should include those who are accessing a service they may not normally use e.g. professional, business and tourism issues at their point of arrival or departure within the city.

It is considered necessary to conduct the survey in respect of potential unmet demand over a twelve month cycle to be able to support and balance recommendations.

The Consultant appointed to carry out the study will be required to provide the Council's representative with a four weekly written report of progress electronically and to attend review meetings with the Council's representative at the Taxi and Private Hire Licensing Section as specified in the 'timescales for submission' or, additionally, in the event of any other issues requiring early attention.

Before developing the final report the Consultant should prepare an interim report outlining the alternative options investigated and recommendations for consideration and discussion with the Council's representative.

Written evidence should be provided of any alternative approaches which have been considered but discounted and the reasons for doing so.

The Council is conscious that demand for taxis may fluctuate not only through the day and night but also have trends throughout the year

The methodology statement should present appropriate seasonal schedules as well as a daily demand survey on which a cycle of observation can be agreed.

The actual gathering of data and the methodology statement must be capable of satisfying legal challenge and be supported by the Contractor in the event of legal challenge.

The Contractor must ensure all staff resources used have experience and skills for the area of work.

The report author will formally present the report to: -

- Legal and Democratic Services
- Licensing and Regulatory panel
- Executive Board

The Council will undertake to permit necessary information and questionnaires to be displayed at contact centres and appropriate offices and supply contact detail to assist the survey.

4. **Other Documents**

All legally relevant, those bringing the DfT forward, any other relevant transport, Local Authority papers properly forming part of the survey.

5. **Service Conditions**

The Contractor will be responsible for the effective risk assessments and recording of all aspects of Health and Safety issues during the course of this contract.

The Council restricts access to certain buildings to ensure safety of staff, visitors or property. The Contractor is responsible for ensuring that all visits and meetings are pre-arranged and that personal identification is carried.

Confidentiality of information at every stage is important and no information should be released without written consent of the nominated Officer within the Council. Contractor's staff should not discuss their views or opinions with anyone other than the nominated Officer of the Council.

All media interest in the issues involved in this document will be handled by Leeds City Council Press Office and the Contractor should not pass comment on issues in other authorities which may reflect on this authority.

The terminology to be used at all times to describe the Council's licensed fleet is: -

- Hackney Carriage or Taxi
- Private Hire Vehicle

All staff employed by the Contractor must be fully conversant with these terms and exactly what they apply to. The Council undertakes to carry out a knowledge briefing for all those people involved in the report to ensure they are conversant with the key issues and relevant parts of legislation. The Taxi Associations have specifically requested this be conducted so that the Consultant's staff can ensure that consultees etc can be made aware of any key issues.

The Council maximises the use of its office floor space and is unable to provide accommodation other than that required for pre-arranged conferences.

6. **Statement of Requirements**

6.1 **Data Requirements**

It is the Consultant's responsibility to collect such data as is considered pertinent to undertake the study and to ensure that any specific requirements of the Client are met. The Consultant shall demonstrate to the satisfaction of the Client that any such requirement pertaining to the proposal is met.

The Client will endeavour to make available to the Consultant relevant information that might be readily accessible. However, The Consultant should note this information is likely to be limited and not collected for the purpose of this study. Therefore, due consideration should be given to the collection of any additional information necessary to achieve the objectives of the brief.

The Consultant may need to collect additional background information in order to develop and justify their proposals. Adequate provision should be made for this within the tender price.

It is essential that all data collected is evaluated and weighted when preparing recommendations, to the extent that unsupported documentary or oral submissions should carry less value than that which is clearly supported by statements of fact.

6.2 **Data Sources**

Accessing the sources of potentially important and relevant information is a key part of this survey. Some important contacts are listed in this document (see 6.7) but, during the course of research others may be identified. The Contractor must evaluate each one and qualify and record their view point in determining whether or not to use that source or to what extent it is used. The impact of those decisions should also form part of a 'Consultees Section' in the Consultants reports to the Council.

The Consultant will be responsible for creating an appropriate level of awareness of this survey and its purpose. Throughout the survey period.

6.3 **Time Scales for Submission**

The study shall be delivered to the timescales stated below: -

- ***Timescale for submission of first interim report - Proposals***

Two weeks from commencement of contract

- ***Timescale for Council's response to interim report***

One week from date of receipt of Consultants proposals report

- ***Timescale for submission of second interim report for the four month period following review of the first interim report***

Sixteen weeks from commencement of the first survey

- ***Timescale for Council's response to second interim report***

One week from date of receipt of report

- ***Timescale for submission of third interim report for the four month period following second interim report***

Sixteen weeks from the date of conclusion of the first survey

- ***Timescale for Council's response to third interim report***

One week from date of receipt of report

- ***Timescale for submission of fourth interim report for the four month period following third interim report***

Sixteen weeks from the date of conclusion of the second survey

- ***Timescale for Council's response to fourth interim report***

One week from date of receipt of report

- ***Timescale for submission of draft final report outlining proposals***

Two weeks from receipt of Council's response to fourth interim report

- ***Timescale for Council's response to draft final report outlining proposals***

Two weeks from date of receipt of draft final report

- ***Timescale for submission of final report outlining recommendations***

Two weeks from receipt of Council's response to the draft final report

6.4 Consultees

The Council

- Ward Members
- Officers involved in issues involving transport provision (e.g. Highways, Entertainment Licensing, Parking Services, Taxi and Private Hire Licensing Staff, Tourism and Leisure, Transport Planners, Education, Social Services)

The Transport Providers

- Existing Hackney Carriage Proprietors and drivers
- Private Hire Operators
- Bus services
- Rail

- Airport
- W. Y. P. T. E

Users

- Public survey at points of delivery
- Survey of major businesses (hotels, entertainment, restaurants and licensed premises)

Specific Users

- Disabled Groups
- Women's Representative Groups

Other Agencies

- West Yorkshire Police
- British transport Police
- L. C. L. A
- Yorkshire Forward
- Chamber of Commerce

The Council would consider best practice in the areas of safety, accessibility and service provision from other licensing authorities which have comparable issues.

6.5 Outputs

The Contractor will provide a report to the Council which describes the: -

- Existing situation based on information collected
- The study procedures
- Consultations and their outcome
- Findings with evidence
- Recommendations
- Suggested timescales for achieving the recommendations together with likely estimated costs and resource implications

Specific reference should also be made to the following issues: -

- Implications for the Council's environmental policy
- Implication of any recommendation on: -
 - (i) Corporate Plan
 - (ii) Council Plan
 - (iii) Vision for Leeds
 - (iv) Local Transport Plan
- Any consequential effects on the transport infrastructure with particular reference to City Centre congestion, road safety, traffic flow and taxi ranks
- Effects on Council quality controls (Hackney Carriage Vehicle Conditions)
- If any other initiative could be implemented which could improve service provision
- Recommendations for 'building in' best practice within building developments to enable easier access to taxi services (e.g. retail outlets and licensed premises)
- Highlight any potential for increasing the level of service to wheelchair users and people with a disability wherever the service is required (rank or home / business address.)
- To what extent Hackney Carriage drivers fear for their personal safety affects the services offered during the night or to any parts of the city in particular and identify any best practice which may increase levels of safety to taxi drivers
- Determine from observation data those types of Hackney Carriage vehicles which provide an infrequent service during evening economy hours and to survey the reasons why providing comparable data on the day / night service provision
- Consider if efficient marshalling at peak periods could influence the efficiency of service provision

6.6 Performance Accountability

The Consultant shall provide the following: -

- Detailed method statement demonstrating how the project brief will be met. This should expand on the outline method statement submitted with their tender, and is required after appointment and before commencing work.
- Interim written reports on a four weekly basis providing details of the progress with the contract
- Full details in advance of all public consultations proposed including procedure, documentation, dates, times, venues and significant issues or challenges to the process
- Detailed summary reports of all public consultation results

- Interim reports (delivered electronically) submitted for each of the survey period in the form of an executive summary with evidence charts within the stated timescales at 6.4 along with proposals for the next stage of the review.
- Draft final report for approval (delivered electronically) submitted on completion of the study
- Final report (delivered electronically) outlining the study, recommendations and highlighting any appropriate best practice
- Timely delivery of hard copies of the approved report to Officers and Members as specified
- Formal presentation of the report at all stages through the Council's approval process

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Report of the Director of Legal & Democratic Services

To the Licensing and Regulatory Panel

Date: 5th September 2006

Subject: Proposed Customer Care Plan – Hackney Carriage Proprietors

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

An earlier report was presented to Members in respect of a proposal to implement a Customer Care Plan for the Hackney Carriage trade.

The proposals were accepted in principle but Members asked Officers to report back to them on the costs involved so they could determine how those should be met.

1.0 Purpose Of This Report

1.1 To inform Members of the costs for the introduction and first year maintenance of the Customer care Plan.

2.0 Background Information

2.1 Full report was presented to the Licensing and Regulatory Panel in April 2006 and further information was requested by Members.

3.0 Main Issues

3.1 Outlined in earlier report.

4.0 Implications For Council Policy And Governance

4.1 No foreseeable adverse consequences.

5.0 Legal And Resource Implications

5.1 The financial estimates are set out below: -

Estimated set up and first year costs (rounded up)	£
<u>Customer Care Booklet</u> Based on 10 booklets per vehicle	456.00
<u>Vehicle Window Stickers</u> Based on 4 per vehicle	268.00
<u>Proprietors Customer Care Contract</u> Based on 2 per Proprietor	48.00
<u>Driver Customer Care Contract</u> Based on 2 per driver	135.00

5.2 The approximate costs (rounded up) for the Proprietors are as follows: -

Window Stickers	£0.50
Customer care Booklet	£0.85
Contract	£0.09
Total cost	£1.44 (rounded up to £1.50)

5.3 The approximate costs (rounded up) for the drivers are as follows: -

Contract	£0.13
Total cost including postage and administrative costs	£0.43 (rounded up to £0.50)

Staffing costs will be taken up within the Section's existing budget.

6.0 Conclusions

6.1 The costs and how they are apportioned are not excessive and are appropriately rounded up in view of the sums involved and will make a minimal financial impact on a driver or Proprietor.

7.0 Recommendations

7.1 That Members consider the financial implications of the policy on drivers and Proprietors of Hackney Carriages and approve the policy in its entirety.

7.2 If Members do approve the Customer Care Plan as outlined in the previous paragraphs that they then authorise Officers at Taxi and Private Hire Licensing to deal with these issues and any other matters arising in respect of the Customer Care Plan under 'Delegated Powers' on behalf of the Licensing and Regulatory Panel.

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Report of the Director of Legal and Democratic Services

To the Licensing and Regulatory Panel

Date: 5th September 2006

Subject: QUARTERLY REPORT (JANUARY – MARCH 2006) OF THE TAXI AND PRIVATE HIRE LICENSING SECTION

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

This report details the licensing activity of the Taxi and Private Hire Licensing Section and the issues dealt with under delegated powers.

1.0 Purpose Of This Report

- 1.1 To provide information to Members of the Licensing and Regulatory Panel about licensing transactions undertaken by the Taxi and Private Hire Licensing Section. This report indicates licences that have been granted under Officers delegated powers in line with the Councils Constitution and the terms of Reference of the Panel.

2.0 Background Information

- 2.1 Members will recall that a number of different licenses are dealt with by the Taxi and Private Hire Licensing Section in Legal and Democratic Services. Officers have delegated powers to make decision on licence applications and the suspension and revocation of licenses which, on appeal, are heard by the Magistrates Courts.

3.0 Main Issues

3.1 Delegated Decisions

No changes or alterations to existing Conditions have been made since the last report of this nature.

A breakdown of Licensing transactions is attached at Appendix A.

4.0 Implications For Council Policy And Governance

- 4.1 None

5.0 Legal And Resource Implications

- 5.1 None

6.0 Conclusions

- 6.1 That matters have been appropriately administered within the terms of the Constitution

7.0 Recommendations

- 7.1 That Members note the report

APPENDIX A

**TAXI AND PRIVATE HIRE LICENSING
LICENSING INFORMATION JANUARY – MARCH 2006**

	Licenses Renewed	New Licenses Issued	Transfers	Refused	Revoked	Suspended	Prosecutions
Hackney Carriage Driver	264	20			1		
Hackney Carriage Vehicle	129	42	20			3	
Private Hire Driver	776	179		5	3	1	4
Private Hire Vehicle	575	497	191			33	
Permit Vehicle	36	12					
Permit Driver	194	43					

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Report of the Director of Legal and Democratic Services

To the Licensing and Regulatory Panel

Date: 5th September 2006

Subject: QUARTERLY REPORT (APRIL – JUNE 2006) OF THE TAXI AND PRIVATE HIRE LICENSING SECTION

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

This report details the licensing activity of the Taxi and Private Hire Licensing Section and the issues dealt with under delegated powers.

1.0 Purpose Of This Report

- 1.1 To provide information to Members of the Licensing and Regulatory Panel about licensing transactions undertaken by the Taxi and Private Hire Licensing Section. This report indicates licences that have been granted under Officers delegated powers in line with the Councils Constitution and the terms of Reference of the Panel.

2.0 Background Information

- 2.1 Members will recall that a number of different licenses are dealt with by the taxi and Private Hire Licensing Section in Legal and Democratic Services. Officers have delegated powers to make decisions on licence applications and the suspension and revocation of licenses which, on appeal, are heard by the magistrates Courts.

3.0 Main Issues

3.1 Delegated Decisions

No changes or alterations to existing Conditions have been made since the last report of this nature.

A breakdown of Licensing transactions is attached at Appendix A.

4.0 Implications For Council Policy And Governance

- 4.1 None

5.0 Legal And Resource Implications

- 5.1 None

6.0 Conclusions

- 6.1 That matters have been appropriately administered within the terms of the Constitution

7.0 Recommendations

- 7.1 That Members note the report

APPENDIX A

**TAXI AND PRIVATE HIRE LICENSING
LICENSING INFORMATION APRIL – JUNE 2006**

	Licenses Renewed	New Licenses Issued	Transfers	Refused	Revoked	Suspended	Prosecutions
Hackney Carriage Driver	177	13			2		
Hackney Carriage Vehicle	88	50	21			5	
Private Hire Driver	837	174		3	5	6	6
Private Hire Vehicle	543	521	185			78	
Permit Vehicle	28	13					
Permit Driver	262	38					

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