

LICENSING AND REGULATORY PANEL

TUESDAY, 6TH NOVEMBER, 2007

PRESENT: Councillor R D Feldman in the Chair

Councillors S Armitage, J Dunn,
D Hollingsworth, V Morgan, B Selby,
G Wilkinson and D Wilson

IN ATTENDANCE

Mr D Broster – LCC Private Hire & Taxi Licensing Section
Mrs K Coldwell – LCC Private Hire & Taxi Licensing Section
Mr B Heptonstall – Leeds Taxi Owners Association
Mrs J Coyle – MC Chauffeurs
Mr M Coyle – MC Chauffeurs
Mr R Gillan – Wakefield MDC
Mr D Holliday MBE – Kirklees MDC
Mr H Millington – Sovereign Chauffeurs
Mr G Houseman – CSC Executive
Mr B Bowling – National Association of Limousine Drivers & Chauffeurs
Mr P Wright – National Association of Limousine & Chauffeurs

19 Late Items

There were no late items as such, however the clerk reported receipt of a schedule of information relating to prosecutions currently being undertaken by the Taxi and Private Hire Licensing Section which would be available to Members of the Panel for their personal reference only

Additionally amended copies of pages 17 & 18 of the agenda were tabled at the meeting as these had been transposed during the creation of the agenda

20 Declarations of Interest

There were no declaration of interest

21 Apologies for Absence

Apologies for absence were received from Councillors Dowson and Grayshon

22 Minutes

RESOLVED – That the minutes of the meeting held 4th September 2007 be confirmed as a correct record

23 Taxi & Private Hire Licensing Section - Quarterly Report (July - September 2007)

The Panel considered the report of the Assistant Chief Executive (Corporate Governance) setting out the licensed activity carried out by the Taxi and Private Hire Licensing Section during the July to September quarter 2007

The Panel noted that a Peugeot E7S had been added to the Council's list of wheelchair accessible approved vehicles during that period.

Members noted the contents of appendix A of the report which included a schedule of licensing transactions relating to drivers and vehicles and went on to discuss the following

- Plying for hire – the number of private hire drivers licensed by other authorities attending Leeds and illegally plying for hire and the likelihood of Leeds' drivers working in other districts
- Links between LCC and other authorities - it was noted that LCC and some other local authorities met regularly to discuss issues such as plying for hire, enforcement, service conditions
- Vehicle inspections – Members discussed the impact of drivers' non attendance for vehicle inspections on the service and the current flat rate inspection fee. Members supported a suggestion by Chair to raise the inspection fee, plus a proposal to introduce an administrative fee to cover officer costs for subsequent follow-up action. Members also considered a sliding scale of fees for repeat non-attenders. These recovered administrative costs could contribute to the creation of an essential post to deal with drivers deliberately avoiding vehicle inspections. It was entirely wrong that vehicles were not inspected to the Councils' safety standards
- Private Hire Vehicle database – officers reported that vehicles were inspected at certain intervals, and the Section was working to inspect all fleet vehicles over 3 years old (approximately 3000) in age descending order. Currently all vehicles of 5 years and over had been inspected and their details entered into the database. Testing of all vehicles less than 4 years old would take approximately 12 months to complete at which point officers could be in a position to report back to Panel to provide an overview of the process and to review the current Conditions in respect of the "age criteria"
- Enforcement Evening – Members were invited to attend an Evening of Enforcement on Friday 9th November 2007 when LCC officers and West Yorkshire Police would be touring the city on an enforcement push; members of the press would be in attendance to report on the activity

RESOLVED –

- a) to note the contents of the report
- b) That officers be requested to inform Members of any proposed changes to the administrative fees relating to vehicle inspections after consultation with the HC and PH trade
- c) That, on completion of the vehicle inspection database, officers be requested to present a report on the outcome of the inspection findings and matters to consider with regards to any review of the current testing regime/frequency

24 The Road Safety Act 2006 - The Effects on Council Policy and Conditions in Respect of Private Hire Vehicles

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the background to The Road Safety Act 2006, its' implications for

the Council and proposals for Private Hire licensing policy and Conditions in response.

Consultation had been undertaken by the Taxi and Private Hire (T&PH) Licensing Section with representatives of all aspects of the trade. The issue of public safety was paramount to the Council's proposals

Members discussed each aspect of the Private Hire (PH) licensed trade as set out in the report as follows:

Stretch Limousines – in general those conditions attached to PH vehicles would be applied, however stretch limos would be allowed to have standard tinted windows, a smaller PH licence plate, would not require PH livery to the bodywork or stickers to windows, plus vehicle age limit would be varied. Officers outlined ongoing discussion with the trade on the design of a smaller PH licence plate to be dealt with under delegated powers. Mr Houseman produced samples to be considered by the authority

- The Panel considered comments from Mr Bowling regarding the vehicle age criteria set down in the proposed conditions; other means of licensing the vehicles, requirement for drivers to be CRB checked and the impact of these issues on the trade.
- Members noted that Stretch Limo drivers could opt for the vehicle to be licensed by the Vehicle and Operator Services Agency (VOSA) – which would not require the driver to be CRB checked. Members commented on this loophole between the legislation governing this aspect of the trade and urged trade representatives to contact the relevant agencies expressing their concern.
- Members noted the National Association of Limousine & Chauffeur Operators currently undertook a 10 weekly vehicle testing regime. The Panel considered whether it would be appropriate to include an additional condition to ensure that any LCC licensed driver be required to be a member of the NAL& CO which would ensure that vehicles could be tested every 10 weeks. Officers reported that under the regulations LCC could not undertake testing at this frequency. Officers suggested the conditions could be amended to include
 - three vehicle inspections per year
 - submission of an MOT certificate every six months
 - submission of a service schedule undertaken by an approved technician on every occasion the vehicle attends the T&PH Licensing Section

Stretch Limousine Drivers – support was given to proposals to introduce a limousine specific driving test, plus an enhanced Group 2 Medical bearing in mind the specialised nature of the trade and size of the vehicle. Members noted proposals to conditions in respect of “professional attire” for drivers, however conceded that a client may request a driver to dress specifically for an occasion and agreed that such instances be notified in writing to the T&PH Section. A SL driver would only be allowed to have a maximum of 9 points on a driving licence

Executive Vehicles – Members noted proposals to ensure the standard of vehicle provision in order to distinguish these vehicles from standard PH. The conditions would allow for standard tinted windows, and a re-design of the

usual PH licence plate – again in conjunction with the trade, but did suggest age criteria for the vehicles

- The Panel heard representation from Mr Millington regarding the condition that Exec Travel cars be of greater value than £45,000.00 which would preclude some existing models. Members commented that there was a “run-in” provision for the implementation of the new conditions which would afford existing models some time before they would be required to be withdrawn.
- The Panel also heard from Mr Wright, who had recently extended his business to include provision of exec travel regarding any exemptions from the commencement date rule as he had not yet completed the process of vehicle purchase. Officers reported that any exceptional circumstances submitted in writing to the T&PH Licensing Section would be considered under delegated powers

Executive Hire Operators – officers highlighted those measures proposed to prevent the transfer of bookings from exec (private) hire business to standard PH.

- Mr Millington responded that on occasion, providers had to call on vehicles licensed in neighbouring districts in order to provide a fleet of vehicles. Members commented that as executive PH business should be pre-booked in writing in advance, it would be reasonable to ensure that vehicles brought from other districts should be via another licensed operator, and that the client should be informed in writing on such occasions that neither the driver or vehicle would be licensed by Leeds.

Executive Vehicle Drivers – Officers highlighted the fact most conditions would be as standard PH driver conditions with the addition of a requirement to undertake the enhanced Group 2 Medical; a specialist driving course and to wear a uniform. An EV driver would only be allowed to have a maximum of 9 points on a driving licence.

- The Panel heard representation from Mr Millington regarding the provision for exec vehicle drivers to undertake the standard PH English and numeracy test which he considered to be an insult to those drivers drawn from the professional classes. The Panel considered this to be essential for the provision of safe transport for customers

The Panel noted the work undertaken by officers to address all the issues raised by the implementation of the Road Safety Act 2006 and requested a report be brought back to review the success of the amended policy and conditions in approximately 18 months time.

Members also noted the commendation from Mr Bowling regarding the professional manner in which the consultation had been undertaken by officers of the T & PH Section

RESOLVED – That with regards to the following matters:

- a) Members approve the following distinct categories of Private Hire Vehicle Licences:
 - Standard Private Hire Vehicle saloons and “people carriers”
 - Novelty Vehicles
 - Stretched Limousines
 - Executive Travel

- Vintage Vehicles
- b) That Panel approve the policy and conditions for each area of licensing as follows:
 - i) Stretched Limousine vehicle licence applications are subject to the relevant policy and pre-conditions at Appendix 5 and conditions upon a licence at Appendix 6 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are currently exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section 53 of the Road Safety Act, 2006. Additionally, the conditions will be amended to include the following provisions:
 1. three vehicle inspections per year
 2. submission of an MOT certificate every six months
 3. submission of a service schedule undertaken by an approved technician. This should take place on every occasion the vehicle attends the T&PH Licensing Section for formal inspection and demonstrate inspection and maintenance of the vehicle since it was last inspected by the Council.
 - ii) Executive Travel vehicle licence applications are subject to the relevant policy and pre-conditions at Appendix 7 and conditions upon a licence at Appendix 8 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006.
 - iii) Airport Transfer Vehicles vehicle licence applications are subject to the policy, pre-conditions and conditions upon a licence which currently apply to existing licensed Private Hire vehicle saloon and 'people carrier' vehicles and not the subject of a distinct category of vehicles and that Officers continue to deal with all the attendant policy and Conditions under 'Delegated Powers'.
 - iv) That Members direct Officers to deal with the policy and attendant Conditions involving trailers used with any form of licensed Private Hire vehicles by way of 'Delegated Powers'.
 - v) That Members direct Officers to deal with the policy and attendant Conditions involving 'Vintage Vehicles' by way of 'Delegated Powers'.
 - vi) Operators of Stretched Limousine vehicles be subject to the relevant policy and pre-conditions at Appendix 9 and conditions upon a licence at Appendix 10 with immediate effect if they are currently exempt under Section 75 (1) LGMP Act. If they are

exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006. Additionally, with regards to professional attire, instances where a client requests specific dress shall be notified in writing to the T&PH Section

- vii) That drivers of Stretched Limousines be subject to the standard Private Hire policy and pre-conditions with additional requirement to undertake an appropriate driving assessment in a stretched limousine and also undertake a group 2 medical. Additionally, that such drivers be subject to the Conditions upon a driving licence as proposed at Appendix 11 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006.
- viii) That the proposed lead in period set out below in respect of the age criteria of Stretched Limousine vehicles would only apply to those vehicles which were recorded on the V5 document as being owned by the applicant operator prior to 7th November 2007.
 - The age at which a vehicle can be licensed for the first time will not be the subject of the age criteria set out in the Stretched Limousine Vehicle Conditions until 7th November 2009. This lead in period will only apply to those vehicles that were converted under the 'Ford QVM' or 'Cadillac CMC' schemes.
 - The exceptions to this lead in period would be that it ceases at the point of transfer of a vehicle or if the mechanical condition or appearance of the vehicle, including its interior, is such that it discredits the purpose of the stretched limousine vehicle category.
- ix) Operators of Executive vehicles be subject to the relevant policy and pre-conditions at Appendix 12 and Conditions upon a licence at Appendix 13 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006. One further condition will be included to ensure that should additional vehicles from neighbouring districts be required to fulfil a contract; the client will be informed in writing that not all vehicles within the fleet are licensed by Leeds.
- x) That drivers of Executive vehicles be subject to the Conditions upon a licence at Appendix 14 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are

exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006.

- xi) That the proposed lead in period set out below in respect of the age criteria of Executive Hire vehicles would only apply to those vehicles which were recorded on the V5 document as being owned by the applicant operator prior to 7th November 2007.
- The age at which a vehicle can be licensed for the first time may be extended beyond the 2 year Condition providing it does not exceed 8 years of age from the date of first registration.
 - That no vehicle be affected by the maximum age Condition until 7th November 2009.
 - The exceptions to this lead in period would be that it ceases at the point of transfer of a vehicle or if the mechanical condition or appearance of the vehicle, including its interior, is such that it discredits the purpose of the executive vehicle category.
- xii) That Members give approval for Officers to deal with future changes to policy or Conditions in respect of all the approved issues by way of 'Delegated Powers'.