

Licensing Committee

Tuesday, 15th November, 2011

PRESENT: Councillor S Armitage in the Chair

Councillors K Bruce, R Downes, J Dunn,
B Gettings, G Hussain, G Hyde, A Khan,
P Latty, B Selby, C Townsley, D Wilson
and G Wilkinson

46 Late Items

No formal late items of business were added to the agenda. The Committee had however received a representation submitted by Unite Leeds prior to the meeting in response to the Taxi & Private Hire information report (minute 50 refers).

47 Declarations of Interest

There were no declarations of interest.

48 Apologies for Absence

Apologies for absence were received from Councillors Feldman and Hanley

49 Minutes

RESOLVED – That the minutes of the previous meeting held on 18th October 2011 be agreed as a correct record

50 Taxi & Private Hire Licensing - Information report on Operational and Delegated Administrative Process for the year 4 October 2010 to 3 October 2011

The Head of Licensing and Registration submitted a report on operational and administrative activity undertaken by the LCC Taxi and Private Hire Licensing (TPHL) Section between October 2010 and October 2011. The report outlined key areas of work and was presented for Members information.

The Section Head, Taxi & Private Hire Licensing Office attended the meeting to present the information contained within the report and highlighted the following issues for Members particular attention:

Vehicles – statistics showed that drivers and operators were making use of the age criteria exemption, as more applications were being made and approved for vehicles over the 7 year age criteria limit. Members noted the success of the scheme aimed at improving the overall safety of vehicles by encouraging drivers/operators to properly maintain the fleet.

Staffing and resources – a copy of the staffing structure was included within the report along with statistics showing the number of applications/renewals/enquiries and actions dealt with by TPHL. A number of posts were vacant and were being pursued through the appropriate recruitment process. Implementation of a new ICT system will improve administration time and reduce the number of trade customers who visited the

offices in person. Additionally, consideration was being given to the introduction of a new “3 year licence” for drivers where appropriate. Delegated Decisions - Appendix B set out the decisions taken in line with LCC policies relating to the conditions and applications for new licences or renewals. Statistical data was presented showing a breakdown of the types of action taken by officers in line with the policies and further detail was provided on the following:

- Revocations – decisions made by officers were taken in line with the policy focussing on public safety
- Remedial training – such as refresher courses where appropriate for drivers who had been referred on receipt of complaints.
- Enforcement – action taken in respect of vehicle defects or after receipt of notification of police action involving a driver. Legislation regarded being a Hackney Carriage (HC) or Private Hire (PH) drivers as being in a position of trust and it was therefore a notifiable occupation.
- Public complaints – the number and nature of complaints and the measures LCC could employ to address the issues raised.
- Offences – Officers reiterated that conviction of an offence did not automatically result in the revocation of a licence but LCC policy required action to be taken where public safety was put at risk

The Committee noted the information provided and went onto comment and discuss the following issues:

- the work undertaken to identify vehicle defects, such as defective tyres
- the number of vehicles being granted an exception to the 7 year age criteria rule (68 out of 114 applications).
- the number of prosecutions undertaken and the number of those that were of drivers from outside Leeds (52 out of 96)
- the number of customers dealt with by the licensing officer counter staff (approximately 13,000 by 3 to 5 staff)
- the liaison undertaken with other neighbouring authorities to seek a consistent approach; noting that some of Leeds’ policies had been adopted by other authorities and as examples of good practice
- the approach taken by the Courts.

One Member raised a number of his concerns relating to:

- the length of time of suspensions and the financial impact this had on the drivers
- figures on training and the ethnicity of drivers which he felt would be particularly useful when dealing with complaints against drivers
- the NVQ Working Group and lack of information on the progress of that group;
- the policy review consultation documents

The Committee noted that the TPHL Equality Impact Assessment had been despatched to all Members of the Committee previously and the consultation documents had also been formally considered by the Committee.

Officers reiterated that legislation prevented a local authority from considering hardship when dealing with suspensions and revocations. On receipt of a

complaint; TPHL was duty bound to investigate the matter and suspension of a driver or vehicle may be necessary for reasons of public safety even if that period was extensive whilst a criminal case was pursued.

Members further discussed:

- whether wheelchair accessible PH vehicles required a specific livery, noting that an application had been granted for such a vehicle to be painted “anthracite” . Officers responded that the authority had sought to ensure differentiation between HC and PH vehicles, however it was possible for the PH trade to make an application for any type or colour of vehicle to be licensed and there were no grounds by which LCC could substantiate refusal of that application.
- whether TPHL staff liaised with WYP when defects were found on vehicles. Officers responded that LCC officers did not have authority to issue Fixed Penalty Notices for vehicle defects but pursued prosecutions under the Local Government Act 1972.
- noted a comment acknowledging the number of complaints was small but supported officers in their commitment to deal with the complaints in order to ensure public safety
- Moving on, officers described a “traffic light system” approach to the trade and stated that most of the drivers were excellent drivers with no complaints received – these were described as the “green” group. The smaller “amber” group included those drivers who may need to retrain or maintain their vehicles better. The “red” group contained a number of drivers who were perpetually investigated for their behaviour and/or their vehicle.
- Officers outlined consideration of the introduction of three year licences where applicable – some drivers required stronger management than others, those which were only seen once a year at renewal could be eligible for a three year licence rather than the current annual renewal – these drivers would be on “green”, but those drivers with 9 points or more are those the authority would want to keep a check on and could still require an annual renewal of their licence.

The Committee generally noted that responsibility for the upkeep, maintenance and safety of vehicles lay with the trade and acknowledged the work done through education, training and promotion by TPHL to advise the trade of non-compliance with the Policies and Conditions. The Chair referred to the Licensing Newsletter issued twice a year to all drivers which provided the trade with relevant information and advice on the policies and the role of trade forum meetings and unions in keeping their members informed.

(Councillor Townsley withdrew from the meeting at this point)

The Section Head, TPHL, reminded Members of the availability of training on taxi and private hire issues and extended an invitation to visit the Torre Road offices. Members were also invited to attend a late night site visit to view the work of the enforcement team and consider relevant late night economy issues.

RESOLVED –

- a) that the contents of the report be noted

51 De-Brief Report to Members following the Leeds Festival 2011 held at Bramham Park

The Head of Licensing and Registration submitted a report on the outcome and findings of the Leeds Festival Multi-Agency meeting held on 29 September 2011. The Festival had been held over August Bank Holiday weekend and the report referred to the comments made by the various agencies involved in preparations for the Festival.

Members noted the comments of Mr G Mudhar on behalf of LCC Environmental Protection Team regarding the nature of the noise complaints received during the event.

It was noted that this year's event had the lowest crime figures for 5 years and officers highlighted the swift action taken by Festival Republic to address issues when raised

The Committee noted that all agencies had been satisfied with the event this year and welcomed the efforts made by the promoter to address issues identified in previous years to provide a successful Festival.

RESOLVED – To note the contents of the report and to thank all agencies and LCC officers involved in the event for their continued effort to produce a successful Festival.

52 DCMS Consultation on the Deregulation of Regulated Entertainment

Further to minute 42 of the meeting held 13th September 2011, the Head of Licensing and Registration submitted a further report on the Governments' proposals to reform those activities currently classed as "regulated entertainment" in Schedule One of the Licensing Act 2003 and setting out the Councils response to that consultation having regard to the comments made by Members at the previous meeting and those submitted afterwards.

A copy of the full draft response was attached to the report for members consideration and approval.

RESOLVED – That the Licensing Committee endorses the document attached at Appendix 1 of the submitted report as the Council's response to the DCMS consultation on the deregulation of entertainment.

53 Changes to the Licensing Act 2003

The Head of Licensing and Registration submitted a report providing the Committee with information on the measures within the Police Reform and Social Responsibility Act 2011 which will have an impact on the provisions of the Licensing Act 2003. Measures included in the Act were intended to overhaul the Licensing regime and give more powers to local authorities and police to tackle problem premises.

The Committee noted that it was likely the changes would lead to substantial revisions to the Section 182 Guidance and were mostly likely to commence after April 2012

RESOLVED – To note the contents of the report

54 Licensing Work Programme

The Committee noted that Member Learning Day was scheduled for Tuesday 22nd November 2011 and would include gambling and equality & diversity issues

RESOLVED – To note the contents of the Work Programme

55 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 20th December 2011 at 10:00 am