



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 15TH JANUARY, 2013 AT 10.00 AM

MEMBERSHIP

Councillors

S Armitage - Cross Gates and Whinmoor;
K Bruce - Rothwell;
N Buckley - Alwoodley;
R Charlwood - Moortown;
R Downes - Otley and Yeadon;
J Dunn - Ardsley and Robin Hood;
B Gettings - Morley North;
T Hanley - Bramley and Stanningley;
G Hussain - Roundhay;
G Hyde - Killingbeck and Seacroft;
A Khan - Burmantofts and Richmond Hill;
P Latty - Guiseley and Rawdon;
B Selby - Killingbeck and Seacroft;
C Townsley - Horsforth;
G Wilkinson - Wetherby;

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF 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> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
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>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19 -20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the last meeting held on 16th October 2012</p> <p>(copy attached)</p>	1 - 6

Item No	Ward/Equal Opportunities	Item Not Open		Page No
7			<p>TAXI & PRIVATE HIRE LICENSING POLICY REVIEW - RESULTS OF PUBLIC CONSULTATION FOR THE PRIVATE HIRE VEHICLE CONDITIONS (INCLUDING WHEELCHAIR ACCESSIBLE VEHICLES, VEHICLE AGE CRITERIA, LIVERY SIGNS AND MARKINGS); HACKNEY CARRIAGE VEHICLE CONDITIONS, PLYING FOR HIRE POLICY AND EXECUTIVE PRIVATE HIRE CONDITIONS</p> <p>To consider the report of the Head of Licensing and Registration on the review of several key areas of work in respect of Private Hire, Hackney Carriage and Executive Hire vehicle conditions and the Plying for Hire Policy. The report sets out the results of public consultation undertaken and seeks the Committees' consideration of whether any changes are required to the relevant policies</p> <p>(Report attached)</p>	7 - 72
8			<p>EARLY MORNING RESTRICTION ORDERS (EMRO'S)</p> <p>To consider the report of the Head of Licensing and Registration providing details of the legislative process necessary to make an Early Morning Restriction Order. The report also makes recommendations in respect of the evidence required to proceed with the making of an Order and building in a period of time into the process in which remedial action can be taken</p> <p>(Report attached)</p>	73 - 80
9			<p>HOME OFFICE CONSULTATION - GOVERNMENT ALCOHOL STRATEGY</p> <p>To consider the report of the Head of Licensing and Registration presenting the Home Office Consultation on delivering the Government's policies to tackle alcohol fuelled crime and anti-social behaviour</p> <p>(Report attached)</p>	81 - 84

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10			<p>LICENSING WORK PROGRAMME</p> <p>To note the contents of the Licensing Work Programme and indicate any additional future items</p> <p>(copy attached)</p>	85 - 88
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Tuesday 12th February 2013 at 10:00 am</p>	

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Agenda Item 6

Licensing Committee

Tuesday, 16th October, 2012

PRESENT: Councillor S Armitage in the Chair

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

52 Late Items

No formal late items of business were added to the agenda, however Members were in receipt of an additional response to the consultation on three yearly CRB checks (minute 58 refers). The response had been received just within the time limit for receipt of the responses but after the despatch of the agenda.

53 Declaration of Disclosable Pecuniary and other Interests

There were no declarations of interest

54 Apologies for Absence

Apologies for absence were received from Councillors Buckley and Charlwood. Councillors Downes and Wilkinson had indicated they would be late due to other meeting commitments

55 Minutes

RESOLVED – That the minutes of the meeting held 14th August 2012 be agreed as a correct record

56 Large Casino - Amendment to Advisory Panel Membership

The Head of Licensing and Registration submitted a report on a change to the membership of the Advisory Panel established to provide a detailed appraisal to each of the Stage 2 Large Casino applications for the Committee.

RESOLVED -

- a) That the contents of the report be noted and approval be given to the amendment to the membership of the Advisory Panel
- b) That responsibility for approval of any further changes to the membership be delegated to the Head of Licensing and Registration

57 Revised Training Requirements for all Hackney Carriage and Private Hire driver applicants

Further to minute 20 of the meeting held 26th June 2012 when the Committee reviewed the requirement for driver applicants to undertake NVQ/VRQ training, the Head of Licensing and Registration submitted a report on the results of the subsequent public consultation and setting out proposals for a training package for all Hackney Carriage (HC) and Private Hire (PH) driver applicants to be delivered in-house as an alternative to the former NVQ/VRQ training requirement. A schedule of the training assessment criteria was included within the report.

It was reported that some NVQ funding still remained, therefore the proposals included reference to the nationally recognised NVQ qualifications as an acceptable alternative to the new in-house course if applicants preferred to pursue it. Additionally, the report stated that existing drivers would only need to attend the new in-house course in the event of a substantiated complaint or conditions breach.

Officers highlighted the recommended approach – for LCC Transport Services to deliver the training package – and discussed the significant cost savings this approach would deliver to both the trade and LCC.

The Committee remained supportive of the driver training criteria and considered the following related matters:

- The comments contained within the responses submitted by the public during the consultation particularly in relation to the public perception of drivers
- The need for the success of the training scheme to be monitored and the results be reported back to Committee
- The methods of consultation undertaken and whether any additional methods could be identified to ensure wide participation
- The suggestion that the efforts being made to improve the professionalism and skill set of drivers should be publicised as this would help improve the image of the trade

RESOLVED-

- a) That the completion of an in-house course as set out in Appendix A of the report be adopted as a pre-condition for Hackney Carriage and Private Hire drivers prior to the grant of a licence
- b) That the in-house course be provided by Leeds City Council Transport Services
- c) That the cost of the training and testing programme is met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for remedial training who are existing licence holders
- d) That the requirement to undertake the in-house training will apply to those applicants whose application is received after 31st January 2013
- e) That existing drivers will only be required to attend the new in-house course in the event of a substantiated complaint or conditions breach
- f) That applicants who have already attained the NVQ/VRQ, or can demonstrate that they are studying towards achieving the NVQ/VRQ, would be exempt from the requirement to undertake the new course. Those studying towards the NVQ/VRQ would have until the date of the renewal of their licence to complete the course, otherwise they will have to attend the in-house course at the next available opportunity
- g) A Leeds City Council Certificate of Achievement will be awarded to successful applicants on completion of the in-house course

58 Introduction of Three Yearly Criminal Records Bureau checks on Hackney Carriage & Private Hire Drivers and Private Hire Operators - Results of Public Consultation

Further to minute 21 of the meeting held 26th June 2012 the Head of Licensing and Registration submitted a report setting out the results of the public consultation undertaken on proposals to introduce three yearly Criminal

Records Bureau checks on HC and PH drivers and PH Operators. The report included a schedule of comments received during the public consultation for Members reference. Appended to the report was a schedule showing likely costs of the checks to drivers/operators.

Officers reported that the Criminal Records Bureau planned to introduce an on-line checking system and a new annual on-line update service from early 2013. This would enable an individual to register for annual updates, once the initial CRB check had been completed; and could potentially reduce the costs to drivers and avoid the need for additional staff to be recruited to process the three yearly CRB checks.

Members were referred to previous discussions on whether there had been any interest from the trade in the issue of three yearly drivers' licences for relevant drivers and whether the three yearly CRB check could be tied into those drivers' renewals. It was agreed that a progress report on the scheme for three yearly licence renewals be presented to Committee in early 2013.

RESOLVED –

- a) That a decision to implement more regular CRB checks be deferred until more information on the new on-line process is available. A further report will be presented to Licensing Committee in April 2013
- b) To request that a progress report on a scheme for three yearly licence renewals be presented to Committee in early 2013.

59 Taxi & Private Hire Licensing Policy review - Results of public consultation for the application process, the medical exemption policy, stretched limousine conditions (driver, operator & vehicle) and Private Hire driver conditions

The Head of Licensing and Registration submitted a report on the review of all existing taxi and private hire policies and setting out the results of public consultation undertaken with regard to the reviews completed so far.

The report detailed the conclusions with regards to the Application Process, the Medical Exemption Policy; and Stretched Limousine Conditions (for drivers, Operators and vehicles). Officers had also undertaken a review and public consultation on the Private Hire Driver Conditions and a copy of the Conditions including proposed amendments was attached to the report. Officers noted a request to amend Explanatory Note N^o5 to refer to "council's currently approved supplier"

RESOLVED –

- a) That there be no change to the current application process and that the next time the process is reviewed will be in 2017 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- b) That there be no change to the existing medical exemption policy and that the next time the policy is reviewed will be in 2017 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- c) That there be no change to the existing stretched limousine conditions (driver, operator & vehicle) and that the next time the conditions are reviewed will be

in 2017 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

- d) That the proposed changes to the Private Hire driver conditions as detailed in appendix C (and including the amendment outlined above) be agreed and approved as a significant operational delegated decision.

(Councillor Downes joined the meeting at this point)

60 Hackney Carriage and Private Hire Driver's Petition for Equal Rights and Alleged unlawful application of Immediate Suspension Powers

Further to minute 46c) of the meeting held On 14 August 2012 when the Licensing Committee requested that officers prepare draft guidelines on the use of immediate suspension powers, the City Solicitor submitted a report presenting draft guidelines for consideration and comment. Members noted that consultation would be undertaken with the trade prior to publication of the Guidance.

The following matters were discussed:

- The decision making process undertaken by officers prior to a suspension and/or revocation being made and the follow-up process undertaken after an immediate suspension made under Section 61(2B) of the Road Traffic Act 2006
- The process undertaken by officers to investigate allegations made against a driver and the course of redress available to drivers through the Magistrates Court. Members also noted that drivers had the opportunity to respond to an allegation during the investigative process

Some Members expressed concern over the length of time an appeal against an officer decision could take to be considered at the Magistrates Court and the loss of earnings incurred by drivers on suspension. Officers responded that timeframes were unpredictable as they depended on the complexity of an investigation and the Magistrates Court lists. The Committee then went on to raise specific queries relating to the number and nature of suspension/revocation cases this year and requested a further report be presented detailing the number of allegations received, the length of time of any suspensions; the number of cases dealt with at court and any convictions and seeking an assessment of the overall practice. Additionally Members noted the suggestion that bullet point 5 of the guidance be amended to read:

“• Allegations of dishonesty relating to use of the vehicle such as attempting to pervert the course of justice in relation to a road traffic accident, fraudulent use of tax or insurance documentation, knowingly driving an uninsured vehicle to convey members of the travelling public.(e.g. *plying for hire*)”

RESOLVED -

- a) That the comments made by members be noted
- b) That the contents of the draft Guidelines, including the amendment detailed above, be approved for consultation with the Hackney Carriage and Private Hire trades.

- c) To request that a further report providing monitoring information on the number and nature of suspension/revocation cases this year be presented in due course

61 Work Programme

RESOLVED – That the contents of the Licensing Work Programme, with the additions made at this meeting, be noted

62 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as 13th November 2012 at 10.00 am *

* this meeting was subsequently cancelled

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Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 15 January 2012

Subject: **Taxi and Private Hire Licensing Policy Review – Results of Public Consultation for the Private Hire vehicle conditions (including wheelchair accessible vehicles, vehicle age criteria, livery signs and markings); Hackney Carriage vehicle conditions; plying for hire policy; and executive private hire conditions.**

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

Summary of main issues

1. Licensing Committee asked officers to carry out a review of existing taxi and private hire licensing policies. This review was broken down into three distinct groups of policies. The second group of policies has now completed its public consultation.
2. Results of the consultation are attached for Members' consideration and discussion before determining whether any changes are required to the policies.

Recommendations

3. That an additional condition be included in the private hire vehicle conditions that a minimum width of 16 inches be provided for each seated passenger to ensure a reasonable level of comfort whilst travelling in a vehicle and ensure it is suitable to carry a number of passengers.
4. That a further period of vehicle profiling be carried out and the results of this profiling are used to inform a review of the vehicle age criteria in 2016.
5. That, except as detailed at 3 and 4 above, that there be no change to the existing private hire vehicle conditions and that the next time the conditions are reviewed will be in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

6. That there be no change to the existing hackney carriage vehicle conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
7. That there be no change to the existing plying for hire policy and the policy next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
8. That there be no change to the existing executive private hire vehicle conditions and the conditions next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

1 Purpose of this report

- 1.1 For Members to consider the results of the public consultation.
- 1.2 For Members to determine whether any change is required to existing policies.

2 Background information

- 2.1 All council policies should be subject to regular review, to ensure they remain appropriate in response to changes in legislation, best practice, council priorities or circumstances and remain fit for purpose.
- 2.2 Licensing Committee asked officers to carry out a review of all existing taxi and private hire licensing policies. This review was broken down into three distinct groups of policies as follows: -
 - Group 1 (reported to committee in October 2012): the application process, the medical exemption policy, stretched limousine conditions (driver, operator & vehicle) and private hire driver conditions.
 - Group 2 (the subject of this report): Private hire vehicle conditions (including wheelchair accessible vehicles, vehicle age criteria, livery signs and markings); Hackney carriage Vehicle conditions; plying for hire policy; and executive private hire conditions.
 - Group 3: Private hire operator conditions; private hire vehicle proprietor (including rental companies); convictions criteria.
- 2.3 The second group of policies has now completed its second round of public consultation and the results of that consultation are included in this report for Members' consideration before determining whether any change is required to the existing policies. The second stage of consultation ran from 13 July 2012 and closed on 5 October 2012.
- 2.4 Group 3 has yet to commence its second round of public consultation and will be reported to a future meeting of Licensing Committee.

3 Main issues

3.1 Private Hire Vehicle Conditions

- 3.1.1 The results of the first public consultation in 2011 are attached at appendix A. The results of the second public consultation in 2012 and officer comments in response are included in appendix B.
- 3.1.2 Officers recommend that an additional condition be included in the conditions that a minimum width of 16 inches be provided for each seated passenger to ensure a reasonable level of comfort whilst travelling in a vehicle and ensure it is suitable to carry a number of passengers.
- 3.1.3 Officers also recommend that in response to comments received concerning the vehicle age criteria, a further period of vehicle profiling is undertaken followed by a review of that area of the vehicle conditions in 2016. Officers submit that it is important that a properly informed decision is taken regarding any change to the vehicle age criteria, and this can only be done after repeating the profiling exercise that was undertaken prior to the first review. Due to the number of vehicles and inspections required, this profiling takes up to three years to complete.
- 3.1.4 Officers recommend that there be no change to the other areas of the conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

3.2 Hackney Carriage Vehicle Conditions

- 3.2.5 The results of the first public consultation in 2011 are attached at appendix A. The results of the second public consultation in 2012 and officer comments in response are included in appendix C.
- 3.2.6 Officers recommend there be no change to the existing vehicle conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

3.3 Plying for Hire Policy

- 3.3.7 The results of the first public consultation in 2011 are attached at Appendix A. The results of the second public consultation in 2012 and officer comments in response are included in appendix D.
- 3.3.8 Officers therefore recommend there be no change to the existing policy and the policy next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

3.4 Executive Private Hire Conditions

- 3.4.1 The results of the first public consultation in 2011 are attached at appendix A. The results of the second public consultation in 2012 and officer comments in response are included in appendix E.

- 3.4.2 Members will note that a response from existing executive private hire vehicle operators that asks for a reduction in the minimum value for an executive private hire vehicle. A full response to this request, including reasons for setting the current minimum value, are included in appendix E. Officers do not believe the circumstances have changed although Members are free to consider whether they wish to reduce the minimum value in response to the consultation.
- 3.4.3 Officers therefore recommend there be no change to the existing conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.4 The first consultation was carried out in 2011. Results of this first consultation were used to inform any proposals for change for each of the policies. A further consultation period ran from 18 May 2012 to 13 July 2012 on these proposals. The results are attached at the appendices as indicated earlier in this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 A full equality and cohesion screening has taken place on each of the policies and are available as background documents.

4.3 Council policies and City Priorities

- 4.3.1 Taxi and private hire licensing policies support the following elements of the Vision for Leeds: -

- Leeds' economy will be prosperous and sustainable, specifically high quality accessible, affordable and reliable public transport and making Leeds a lower carbon city;
- Leeds' communities will be successful, specifically that there are more community-led businesses that meet local needs; and
- Best City for Children, specifically helping ensure children are safe from harm.

- 4.3.2 Taxi and private hire licensing policies also support the following City Priorities: -

- Best City for Business, specifically improving journey times and the reliability of public transport and improve the environment through reduced carbon emissions; and
- Best City for Communities, specifically reduce crime levels and their impact across Leeds.

4.4 Resources and value for money

- 4.4.1 The only changes recommended in this report are minor which do not create any additional resource requirements or costs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Local Government (Miscellaneous Provisions) Act 1976 gives the council authority to determine policy and conditions for hackney carriage and private hire drivers, proprietors and operators.

4.6 Risk Management

- 4.6.1 There is always a risk of challenge by way of Judicial Review at point of approval or when applied to an individual.

5 Conclusions

- 5.1 That a full and thorough public consultation has been carried out on these policies which has been properly considered before any changes proposed.

6 Recommendations

- 6.1 That an additional condition be included in the private hire vehicle conditions that a minimum width of 16 inches be provided for each seated passenger to ensure a reasonable level of comfort whilst travelling in a vehicle and ensure it is suitable to carry a number of passengers.
- 6.2 That a further period of vehicle profiling be carried out and the results of this profiling are used to inform a review of the vehicle age criteria in 2016.
- 6.3 That, except as detailed at 6.1 and 6.2 above, that there be no change to the existing private hire vehicle conditions and that the next time the conditions are reviewed will be in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- 6.4 That there be no change to the existing hackney carriage vehicle conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- 6.5 That there be no change to the existing plying for hire policy and the policy next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- 6.6 That there be no change to the existing executive private hire vehicle conditions and the conditions next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

7 Background documents¹

- 7.1 Local Government (Miscellaneous Provisions) Act 1976
- 7.2 Equality and Cohesion Screening Assessments

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Throughout 2011 the Taxi and Private Hire Licensing Section undertook a review of all policies and Conditions which apply to the Hackney Carriage and Private Hire trade.

The initial review of the following policies has now been completed and is open for further consultation.

1. Private Hire vehicle conditions including wheelchair accessible vehicles, vehicle age criteria, livery, signs and markings

a) Feedback was received indicating that all Private Hire vehicles should prominently display signage to indicate that the vehicle is not insured if not pre-booked through a Private Hire Operator.

Some Local Authorities do require Private Hire vehicles to display stickers on the passenger windows with words similar to “not insured if not pre-booked”. Whilst there is no evidence in relation to the success of such stickers, it is an issue that is often raised.

b) A request was received to extend the age criteria for Private Hire vehicles.

The age criteria condition does allow for an extension to beyond 7 years see the extract from the Conditions below;

(c) *INSPECTION POLICY FOR LICENSED VEHICLES SEEKING TO BE RE-LICENSED BEYOND 7 YEARS*

A currently licensed vehicle may continue to be re-licensed beyond 7 years from the date of first registration providing that it is:-

- *In suitable mechanical condition*
- *Safe*
- *Comfortable*

and meets all licensing conditions. This will be determined by a formal inspection by an Authorised Officer of the Taxi and Private Hire Licensing Section.

It is the responsibility of the vehicle proprietor to ensure that vehicle inspection arrangements are in place prior to the expiry of the vehicle licence, allowing sufficient time for both the inspection and any remedial work to be completed prior to the expiry date.

c) A suggestion was received that the Taxi and Private Hire Licensing Section should hold a ‘blacklist’ of regular offenders.

There is some merit arising from the feeling behind this comment which could be reflected in the Sections vehicle inspection procedures. Licensed drivers have also often expressed concerns about the inequity between Taxis having to have an MOT in their first and second years, from new, whilst Private Hire vehicles do not. It is quite rightly pointed out that some new Private Hire vehicles do more mileage in their first three years than most family cars would achieve in eight years.

Proposed Recommendations:

a) An option may be to pass the responsibility to affix such a sticker onto the Private Hire Operators. This would have to conform to a Council standard, saying something similar to “If not pre-booked through [Operator Name], no insurance, no journey”.

This could be helpful to drivers dealing with people wanting to take an un-booked journey. It would also be cost free to the driver.

b) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the existing age criteria condition.

c) A proposal could be that where a vehicle proprietor or driver is found to have a defective vehicle, the frequency of inspections of that vehicle are proportionately increased in line with Section 50 of the Local Government (Miscellaneous Provisions) Act 1976.

A further proposal could be to require all Private Hire vehicles to undertake an MOT inspection in its first and second years, from the date of first registration.

2. Hackney Carriage vehicle conditions including wheelchair accessible vehicles, vehicle age criteria, livery, signs and markings

a) Feedback was received requesting a greater choice of wheelchair accessible vehicles.

The Council is prepared to receive applications for wheelchair accessible vehicles which will then be tested against the Council's conditions. Licence holders are not required to purchase vehicles of the type listed on our 'approved list' however, should they purchase a vehicle type which has not previously been inspected and found to comply with the Council conditions, that vehicle will be subject to a detailed inspection by our vehicle examiners. This is to ensure that the vehicle meets licensing conditions and complies with the appropriate EC certificate of conformity.

b) A request was received that Hackney Carriages be able to display the company logo above the door livery.

The Council would welcome design proposals for appropriate advertising in the space on the door, immediately above the handle, or any other proposal licence holders may wish to incorporate within existing livery.

c) A request was received that where a plate holder is deceased, the plate should automatically transfer to the spouse.

The Council has to be satisfied that a Hackney Carriage proprietor is a fit and proper person. There is a procedure in place which enables a sympathetic approach and breathing space for family members to make informed choices and decisions.

It should be noted that the licence is the property of the Council whilst the vehicle is part of the deceased's estate. We do however aim to work co-operatively and fairly in dealing with this issue.

d) Currently wheelchair accessible vehicles with a corporate wrap do not have to carry the proprietors licence number on the front doors.

Proposed Recommendations:

a) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the approved list of wheelchair accessible vehicles until such time as a new application is submitted, inspected and approved.

b) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the livery until such time as a new proposal is submitted, inspected and approved.

c) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the procedure to transfer a Hackney Carriage vehicle plate.

d) So that there is a level of conformity, the Section proposes that the licence number be placed at some point on the side windows, behind the driver, in an agreed format.

3. Hackney Carriage Byelaws

The Taxi and Private Hire Licensing Section has not received any feedback from this proposal when emailed to the trade in November 2011 so the Byelaws will now go out for formal consultation.

This is the first review of the Byelaws since their creation in 1975 and must address many changes in technology, legislation and practices since that time.

4. Plying for hire policy

The plying for hire policy was introduced following strong representations from Elected Members, Officers, members of the trade and the public all relating to public safety issues.

The Taxi trade, along with many Private Hire Operators, fully supported the introduction of the policy which has led to many convictions and has curbed what was an increasing problem.

It is one of the more emotive areas of activity but the Council is confident that any objectors would be hard pressed to say that the policy is not well known and that the amount of time and money the Council has invested in awareness training is significant. When balanced against public safety issues it remains a necessary policy.

There are two camps; one says the policy is too lenient, the other says it is too harsh. But it is a matter of choice whether a person wants to commit crime and drivers have to accept responsibility for their actions. The Councils policy and enforcement actions have been repeatedly tested in Court and have found to be sustainable.

Proposed Recommendations:

The proposal put forward is that no changes are made to the existing plying for hire policy, subject to any further feedback being raised.

5. Executive Private Hire conditions

a) Feedback was received from the existing Executive Hire trade that they were fully supportive of the existing Executive Private Hire Operator conditions.

b) A request was made that drivers licensed to work in the Executive trade be able to work for different Operators without the requirement to change their badge.

The Council will need to under take further investigations to understand the implications of introducing such a process.

c) A request was made that people carriers should be licensed up to a maximum of six years if kept in very good condition.

The current age criteria condition does allow a vehicle to be re-licensed for up to five years from the date of first registration, see the extract from the Conditions below;

2. Age Criteria

(a) Executive Saloon

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 2 years from the date of application. The vehicle must be licensed for use within one month from the date of application.

(b) Executive People Carrier

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 1 year from the date of application. The vehicle must be licensed for use within one month from the date of application.

(c) Where a currently licensed vehicle does not meet the requirements of part 2 (a) and 2 (b), that vehicle will continue to be re-licensed for up to 5 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

d) A request was made that the cost of cars should be over £30,000 at new with up to 12 months to licence from first registration, rather than £45,000 at new and up to two years to licence as per the current conditions.

The Councils view remains the same; this is an Executive trade and the current condition sets the type of vehicle to be licensed at the Executive level. This is not considered to be onerous, with options available to extend the life of the vehicle licence.

An alternative choice would be for the vehicles to be licensed to the standard Private Hire conditions.

e) A request was made for the implementation of a discreet window badge at the rear of vehicles.

There are no objections in principle to the implementation of a rear window badge. Design proposals have previously been submitted by the trade for consideration.

f) The Executive Hire trade stated that they felt let down by the lack of Enforcement activity within their area of work.

This has been an infrequently raised issued. The Councils stance is; please provide information, in confidence, of those Operators operating outside of the legislation and we will take action. Such information has never been provided.

Proposed Recommendations:

a) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the current Executive Private Hire Operator conditions.

b) The Section will utilise the three month consultation period to fully understand the legislative, technological and administrative implications of introducing such a process to allow Executive Hire drivers to work for multiple Executive Hire Operators.

Subject to any further feedback being raised, the Section will probably recommend that there be no other amendments to the current Executive Private Hire driver conditions.

c) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the current Executive Private Hire vehicle conditions, apart from re-wording the Age Criteria condition to more accurately reflect the Exceptional Condition applied within the Standard Private Hire conditions. This has to be reconciled with the term 'Executive Vehicle' so standards set must reflect that terminology at the time of any inspection.

d) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the current Executive Private Hire vehicle conditions in respect of vehicle cost.

e) The design proposal submitted and approved by the Executive Hire trade for a rear window badge is a move away from the badge previously approved by the Licensing and Regulatory Panel. With this in mind, the amended badge will need to be presented to the Licensing Committee as part of the final recommendations made as a result of this review.

Date of consultation closure: 05 October 2012

Appendix B

**Private Hire vehicle conditions (including wheelchair accessible vehicles, vehicle age criteria, livery, signs and markings):
Email Responses**

Response From:	Response Details:	Officer Response:	Change to policy:
Private Hire Driver	<p>The last few Private Hire/ Taxi vehicles which I used to move around the city, were, dare I say, in desperate need of a clean and vacuum.</p> <p>It is a poor state of affairs that such vehicles are allowed to operate in a major city without more stringent inspection.</p> <p>Whilst the weather has been extremely wet, I could excuse the dirty exteriors, but that is no excuse for the unpleasant smelling and grubby interiors.</p>	<p>Licensed vehicle proprietors are required to maintain their vehicle to an acceptable standard as per the condition upon their licence.</p> <p>Officers inspect vehicles in line the following priorities;</p> <ol style="list-style-type: none"> 1) When first licensed 2) When transferred 3) To apply for an extension to the age criteria <p>It is the intention that the Section will review our inspection regime to begin inspecting by age of the vehicle i.e. older vehicles will be inspected.</p> <p>In addition, compliance checks are carried out on the street, which include inspection of the interior, and vehicles may be suspended where they fail to meet their licence conditions.</p>	None.

<p>Council Licensing Officer</p>	<p>I received a query about minimum nominal engine capacity requirement for PHV. I looked through the Standard conditions attached to private hire vehicle and could not find anything written in the booklet regarding the above matter.</p> <p>Later I had a word with Phil Hatch and Phil kindly explained to me that the above matter is mentioned in the pre conditions which are located in the shared drive.</p> <p>I think for an easier access to the condition it should be included in the Standard conditions attached to private hire vehicle booklet and will help drivers to learn this condition prior to obtaining their PHD licence as Standard conditions attached to private hire vehicle are part of the seminar.</p>	<p>Officers will move this pre-condition into the standard conditions for ease of reference.</p>	<p>Move the pre-condition into the standard conditions.</p>
<p>Council Vehicle Examiner</p>	<p>Just found a PHV condition (Original conditions) 1(d)</p> <p>I think this should be in the pre conditions and also in the HCV saloon conditions</p> <p>1. TYPE OF VEHICLE (d) Of such capacity as to carry a minimum of four passengers, with provision for one passenger seated beside the driver, and three passengers occupying the rear seats, which shall provide a minimum width of 16 inches for each passenger.</p>	<p>This condition was removed from the standard private hire vehicle conditions as the minimum of four passengers is restricting to the trade.</p> <p>However, Officers agree that the minimum width of 16 inches for each passengers should be retained and included within the pre-conditions to the grant of a licence.</p>	<p>Move to the pre-conditions.</p>

<p>Private Hire Operator</p>	<p>Dear Sir</p> <p>We would like to respond to the consultation upon Private Hire Vehicle Conditions.</p> <p>Specifically we would like to see greater flexibility in the use of livery for Private Hire Vehicles. We understand that the highest standards of presentation have to be maintained in the industry, especially since Taxis and Private Hire vehicles are often ambassadors of the city. We also accept that it has to be clear that vehicles are currently licensed by Leeds City Council.</p> <p>Currently no livery, except that issued by the Council is permitted on the vehicle. We would like to request that some flexibility is introduced to the licensing of additional vehicle livery. In addition to the mandatory licensing stickers we ask that additional livery be considered acceptable if it particular applications satisfied the discretion of the Licensing department.</p> <p>Private Hire Operators could submit applications for such designs and a decision could be made on the merits of each proposal. This system could also be regulated by certain specifications relating to size and location etc of any additional livery.</p> <p>Whilst any movement away from the current</p>	<p>Livery attached to all licensed vehicles is strictly controlled by the Council.</p> <p>With reference to 'corporate wraps', members of the Licensing and Regulatory Panel previously approved the use of advertising in the form of 'Corporate Livery' on new wheelchair accessible Hackney Carriages to assist Hackney Carriage Proprietors offset the initial costs of purchase.</p> <p>This decision was taken for Hackney carriage vehicles alone to avoid any confusion between the Hackney carriage and private hire trade amongst the travelling public of Leeds.</p>	<p>None.</p>
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	<p>conditions relating to vehicle livery must be taken cautiously, branded vehicle livery can indeed be a beneficial aspect of a vehicle's appearance without distracting from the licensing plates or stickers. With the right conditions, decisions on what is acceptable can be made on a case by case basis.</p> <p>I trust that this proposal is of interest to the Council. Please do not hesitate to contact me should you wish to discuss this proposal further.</p>		
Unite the Union	<p>VEHICLE AGE CRITERIA: Unite agrees with an age criteria relating to the working life of both Hackney Carriages and Private Hire vehicles in Leeds.</p> <p>The current fleet of almost 5000 licensed Hackney Carriage and Private Hire serving a populous of just over 1 million within the estimated 300 Sq Miles that the city covers.</p> <p>We do however suggest that an age criteria should be differentially adopted between that of a 'saloon type' vehicle and 'wheelchair accessible' vehicle specifically in the Hackney Carriage trade.</p> <p>We also feel that vehicles operating in the Private Hire sector should be limited to an equal age limit, but that vehicles operating on a</p>	<p>The age criteria is already different between saloon type vehicles (7 years) and wheelchair accessible vehicles (8 years).</p> <p>All proprietors have the option to aim for an extension to the age criteria if their vehicle can meet the required criteria including a full</p>	None.

	<p>lesser level as wheelchair accessible should be classified as 'saloon type' in that they perform less duties as opposed to wheelchair accessible Hackney Carriages within the city.</p> <p>While we agree that age criteria should apply to both wheelchair accessible and saloon type in the hackney carriage sector, we feel that the current differential does not take fully into account that saloon type vehicles are predominantly used as ordinary passenger vehicles and that of wheelchair accessible are not an everyday ordinary family vehicle, but that of a purpose built type in construction or variant thereof.</p> <p>It is clear that a purpose built or variant of wheelchair accessible vehicle will and does have a much better working life expectancy over that of saloon types vehicles due to the general durability of components used in the manufacture or replacement of such.</p> <p>We cannot overlook the cost element of replacement of a like for like vehicle. Ranging from approx £4,000 up to £12,000 for a saloon type vehicle, to between £16,000 up to £32,000 for a wheelchair accessible vehicle. Maintenance and service costs applicable to both are also considering factors with the respect clearly on investment in the vehicle as far as running costs.</p>	<p>service history as per the manufacturer's standards.</p> <p>The Taxi and Private Hire Licensing Section offer guidance to all proprietors as to how this can be achieved.</p>	
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	<p>Over the current 8 year period which is your current base standard (rising annually after pass-ing an 'exceptional condition' test) on both types of hackney carriage vehicles it can be as much if not more than approx £88,000 on fuel in cost and as much as £8,000 on servicing for running costs for a wheelchair accessible vehicle. Whereas a saloon type vehicle would have significantly less running costs with the current largest engine vehicle estimated to run at £57,000 over the period for fuel and £4,000 on servicing.</p> <p>This being largely due to the ability to have a saloon type vehicle serviced at any garage of choice and not that of a specific national dealer type garage with inflated costs.</p> <p>Taken over the 8 years the levels of investment in one over the other equates to approx £96,000 (wheelchair accessible vehicle) and £61,000 (saloon type vehicle). A huge difference of approximately £35,000 based on current running costs compared from users of both types.</p> <p>This is the most compelling reason and argument over the current age criteria being that it is disproportionate between the two types currently in service. These comparative figures do not take into account financial payments</p>	<p>Extensive research was carried out between 2005 – 2009 in relation to the age criteria condition.</p> <p>These statistics were presented to the then</p>	
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	<p>made on the purchase of either type of vehicle either which would see the top end price for a wheelchair accessible vehicle to rise from £32,000 to roughly upwards of £36,000.</p> <p>It is also evident that a wheelchair accessible vehicle is also in a unique position to carry an advertising livery, which aids the bodywork to remain in relatively pristine condition, giving the life expectancy a greater possibility over that of the saloon type.</p> <p>Unite urge and welcome an increase in the age criteria for wheelchair accessible vehicles to be equal to that of other UK cities which operate similar or identical vehicles, but which they offer a fifteen-year limit. Specific relation to cities such as London (which has just set its age criteria), Birmingham and Sheffield.</p> <p>An increase in the age criteria for saloon vehicles would also be welcomed, but not equal to that of the wheelchair accessible vehicles being that saloon vehicles are not purpose built for the job.</p> <p>ADVERTISING LIVERY: Advertising livery has existed now in Leeds for a decade and was wholeheartedly welcomed by taxi drivers as it brought Leeds up to equivalence with other core cities where it had been cited prior.</p>	<p>Licensing and Regulatory Panel who made a decision which resulted in the current age criteria condition coming into effect.</p> <p>It will take a further three years for the Section to undertake further research – to inspect all vehicles falling within a specified age range.</p> <p>Officers will agree to review the age criteria condition again in three years time after completion of the research.</p>	<p>Officers recommend a shorter period of review – 3 years – for the age criteria condition.</p>
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	<p>Sadly and most confusingly is the question why there has always existed a time limit on such liveries to be placed on vehicles to which they can be carried for the advertising client.</p> <p>It is a strange anomaly that a vehicle running a livery, which is concurrent, can run that advert indefinitely irrespective of its age and yet a vehicle reaching a 5-year age limit must be produced for inspection to ascertain its viability to carry a further advert. Whilst it could be argued that the bodywork must be suitable for the advert to be placed on the vehicle, it is also arguable that of all the advertising agencies consulted (VPFS, Verifone, Ubiquitous, Clear Channel) etc, not one has stated that less than pristine or exceptional condition to the bodywork would prevent them from placing such an advert on such a vehicle.</p> <p>Moreover, it is arguable that with the limit raised it would further add the following benefits:</p> <p>A: An improved condition fleet</p> <p>B: Greater probabilities of an owner replacing a like-for-like vehicle come such time. This subsequently contributing to retaining a level of 5/6 seat vehicles within the hackney carriage fleet.</p> <p>C: Would improve owner income from an</p>	<p>There is always an opportunity for Officers to allow a variation to the policy i.e. vehicles must be inspected and deemed to be in a suitable condition.</p> <p>The time limit is in place to allow Officers the opportunity to ensure that a corporate wrap is not being used to cover up poor body work.</p>	
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	<p>improved business perspective. Offering a viable incentive for owners continuing in such vehicles, especially in these uncertain economic times.</p> <p>D: Would increase the likelihood of local corporate business advertising their own brand and therefore assisting the local economy through this medium, which is seen by many national and international visitors on a daily basis. This current view is taken from comments made by a current media advertiser carrying adverts on hackney carriages in the city.</p> <p>It is further arguable that with the additional years advertising that it would also increase the council's budgetary fiscal input to the department. It would be acceptable if the limit were to be raised for, the fee equal to that of a new application be charged for both new applications and renewals alike.</p> <p>Equating this to one vehicle, alone it could provide an additional income to the department of £200 over an additional 5-year period. Were the advertising to be allowed to match any future recommendation with respect to increase in age and were it to be equal to that of other core cities mentioned in item 1 then it would further increase the income to the department.</p>	<p>This would make no difference to the Taxi and Private Hire Licensing Section as we are not permitted to make a profit from the service/s that we provide.</p>	
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	<p>Given that current responses from advertising companies suggest that they are currently only planning advertisements on London Taxi TX4's and Euro cab E7's, it would suggest that those vehicles already hailed by disability groups as 'ideal vehicles' would show an increase in the fleet.</p> <p>Unite would welcome and urge an increase in the advertising livery age to a maximum no greater than the age applied to such vehicles available to carry advertising currently.</p> <p>HACKNEY CARRIAGE AND PRIVATE HIRE LIVERY:</p> <p>Leeds is one of many authorities, which sees the need to use a specific livery to identify its own Hackney Carriages to those of the other neighbouring ones (Bradford, Harrogate etc).</p> <p>The livery used for Hackney Carriages in Leeds has been around for many decades, originally being all 'black cabs' in line with other cities. It has served the user in Leeds well in that they have and do still recognise the distinctive black bonnet and boot and white body with that of Leeds.</p> <p>The current livery and vehicle mixture of saloons being adopted after a survey of Leeds residents back in the early 1970's, with the predominance of salon vehicles being the case</p>		
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	<p>100% up until approximately 1992 when a saloon vehicle changed to a wheelchair accessible one, bucking the trend over the preceding two decades and being a precursory launching platform for the return of purpose built taxis back in 1994/5.</p> <p>However, it is clearly stated in the Local Government Miscellaneous Provisions Act 1976, that no vehicle must be of the “same shape, design or colour as to indicate to the public that they are a Hackney Carriage”.</p> <p>Unfortunately, recently decisions were made to allow private hire to firstly use ‘same design’ vehicles and then to further allow them to become ‘all black’.</p> <p>Unite do not agree with these policies and believe that they are misleading in their very nature to both the local users, but more so to that of the visitors to the city.</p> <p>While it can be argued that no one has complained regarding this nature, it can also be argued as to how many have actually hailed one of these vehicles, been picked up without the knowledge that they were not in fact licensed as Hackney Carriages and subsequently been transported without adequate insurance coverage.</p>	<p>The conditions that the Council has in place clearly defines and demonstrates to the public that there is a difference between Hackney carriage vehicles and private hire vehicles.</p> <p>Bournemouth BC [R] v Thompson & Anor Held; That it was for a Council to decide if ‘in the locality’ a vehicle produced for PHV licensing appeared to be a Hackney Carriage.</p>	
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	<p>Unite are concerned that the very nature of the meaning of what is a Hackney Carriage is being blurred and that clear definitive's exist to clarify that very blurring, that being the Local Miscellaneous Provision Act 1976 and its full interpretation and implementation.</p> <p>Legislation and the inception of the LGMP Act 1976 was to prevent users becoming void to the types of vehicles available at their disposal and the misrepresentation of such.</p> <p>Therefore, Unite suggests neither the same design or shape or colour, whether it be black or white or a combination of either, be further allowed to continue to be used in the Private Hire sector and should be actioned from this consultation.</p> <p>It should remain within the councils remit to retain the right to implement the choice to return to an all black hackney fleet should it so decide. This recent alteration does not allow for that very idea and would be a compelling argument for its revocation of use in the Private Hire sector with immediate effect.</p> <p>Unite cannot and does not condone the use of these decisions. There must always be a distinction between Hackney Carriages and Private Hire to afford the user the safe knowledge as to which type of vehicle they are</p>		
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	<p>in fact entering into, either by hailing, from a rank or via telephone in respect of Private Hiring's.</p> <p>Unite does not accept that an argument would be that Private Hire need to use the same wheelchair accessible vehicles and as such see a relaxation of the LGMP Act 1976 as a proviso for such. Given that currently only approximately 1% of the Private Hire fleet in Leeds are currently accessible to that of almost 60% of the Hackney Carriage fleet.</p> <p>Unite urges via this consultation to remove this flagrant misuse and misinterpretation of the Local Government Miscellaneous Provisions Act 1976 and ensure that the clear definition of distinctions be maintained.</p> <p>We would welcome the responses in this report to be taken as part of the consultation process with regard to the points raised and that serious consideration will be given to those very points. We look forward to the final findings and eventual report from this consultation process being made available.</p>	<p>This would restrict the private hire vehicle market as well as reducing the equality provision which the private hire fleet contribute to.</p> <p>The livery on vehicles clearly distinguishes between Hackney carriage and private hire vehicles.</p> <p>Additionally, the conditions continue to prevent the licensing of 'London Cab' style taxis i.e. TX series for the purpose of working as a private hire vehicle.</p>	
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Appendix C

Hackney Carriage vehicle conditions (including wheelchair accessible vehicles, vehicle age criteria, livery, signs and markings): Email Responses

Response From:	Response Details:	Officer Response:	Change to policy:
Private Hire Driver	<p>Looking over the proposals and recommendations, in your email, I would like to comment on some of the issues.</p> <p>The proposal of wheelchair access, hackney carriage vehicles.</p> <p>I feel if the vehicle complies to the criteria, the make or model should be irrelevant.</p> <p>The standard of comfort and safety needs to be prioritised, rather than make or model.</p> <p>Hence if the criteria is met no other hurdles should be placed. I feel we need to move on from over complicating issues.</p> <p>The taxi trade should be looked at nationally rather than locally.</p> <p>Many people I travel with seem to see this as common sense.</p>	<p>Approved lists for Taxi (Hackney carriage) saloon vehicles and wheelchair accessible vehicles may be of use to proprietors wishing to purchase a vehicle as they can refer to the list to see which vehicles have previously been inspected by us and found to comply with the conditions attached to such a vehicle licence.</p> <p>Proprietors are not required to purchase vehicles of the type listed however, should they purchase a vehicle which has not previously been inspected and found to comply with our conditions, that vehicle will be subject to a detailed inspection by our vehicle examiners. This is to ensure that the vehicle meets our licensing conditions and complies with the appropriate EC certificate of conformity.</p>	None.
Private Hire Driver	The last few Private Hire/ Taxi vehicles which I used to move around the city, were, dare I	Licensed vehicle proprietors are required to maintain their vehicle to an acceptable standard	None.

	<p>say, in desperate need of a clean and vacuum.</p> <p>It is a poor state of affairs that such vehicles are allowed to operate in a major city without more stringent inspection.</p> <p>Whilst the weather has been extremely wet, I could excuse the dirty exteriors, but that is no excuse for the unpleasant smelling and grubby interiors.</p>	<p>as per the condition upon their licence.</p> <p>Officers inspect vehicles in line the following priorities;</p> <ol style="list-style-type: none"> 1) When first licensed 2) When transferred 3) To apply for an extension to the age criteria <p>It is the intention that the Section will review our inspection regime to begin inspecting by age of the vehicle i.e. older vehicles will be inspected.</p> <p>In addition, compliance checks are carried out on the street, which include inspection of the interior, and vehicles may be suspended where they fail to meet their licence conditions.</p>	
Member of the public	<p>As a UK citizen, Council Taxpayer for Leeds City Council and a regular user of taxis in Leeds, I want to contribute to this consultation.</p> <p>To begin with I am in disagreement with 2C that is listed in the pdf document.</p> <p>It is my feeling in the event the plate holder is deceased it should not automatically pass to the spouse. I disagree with this due to the fact it creates an unfair situation. By allowing the plate holder to pass to the spouse it limits the opportunity for others to become cab drivers. It also discriminates against those</p>	<p>The Council has to be satisfied that a Hackney Carriage proprietor is a fit and proper person. There is a procedure in place which enables a sympathetic approach and breathing space for family members to make informed choices and</p>	None.

	<p>who are in civil unions or are not married. The fair thing I believe is not to allow it to pass to the spouse and once a plate holder becomes deceased it should be returned to the Taxi & Private Hire Licensing board.</p>	<p>decisions.</p> <p>It should be noted that the licence is the property of the Council whilst the vehicle is part of the deceased's estate. We do however aim to work co-operatively and fairly in dealing with this issue.</p>	
Member of the public	<p>Dear sirs,</p> <p>I feel very strongly that 5 years is a ridiculously short time for a vehicle to be used for hire.</p> <p>Cars now are better than they have ever been & can certainly stand upto at least 7 years on the road. When I drove Hackney the annual 'show' ensured that cabs were upto the job. Why in these trying financial times are the Council showing such a heartless attitude on this matter?</p> <p>Cars can be taken off the road whenever a 'Vehicle inspector' finds fault. So there is very little chance of anything unroadworthy being on the road for any length of time.</p> <p>I am all in favour of the strictest discipline regarding both drivers & cabs & feel that over charging, taking the long way round, driving a dirty vehicle etc. should be severely dealt with. I must ask you however to consider the financial plight that proprietors have to face at this time.</p>	<p>Leeds City Council operates an age criteria of seven years on licensed Hackney carriages and private hire saloon vehicles and eight years for wheelchair accessible vehicles.</p> <p>All proprietors have the option to aim for an extension to the age criteria if their vehicle can meet the requirements and they can provide a full service history in accordance with the manufacturer's standards.</p> <p>The purpose of this is to encourage proprietors to maintain their vehicles to a good standard throughout the life of their licence. It also aims to reward those proprietors who can demonstrate that they have invested in the maintenance of their vehicle over a period of time in order to achieve the standards set out within this policy.</p> <p>The Taxi and Private Hire Licensing Section offer guidance to all proprietors as to how this</p>	

		can be achieved.	
Council Vehicle Examiner	<p>Just found a PHV condition (Original conditions) 1(d)</p> <p>I think this should be in the pre conditions and also in the HCV saloon conditions</p> <p>1. TYPE OF VEHICLE (d) Of such capacity as to carry a minimum of four passengers, with provision for one passenger seated beside the driver, and three passengers occupying the rear seats, which shall provide a minimum width of 16 inches for each passenger. (e) Fitted with an approved type</p>	<p>This condition was removed from the standard private hire vehicle conditions as the minimum of four passengers is restricting to the trade.</p> <p>However, Officers agree that the minimum width of 16 inches for each passengers should be retained and included within the pre-conditions to the grant of a licence.</p>	Move to the pre-conditions.
Unite the Union	<p>VEHICLE AGE CRITERIA: Unite agrees with an age criteria relating to the working life of both Hackney Carriages and Private Hire vehicles in Leeds.</p> <p>The current fleet of almost 5000 licensed Hackney Carriage and Private Hire serving a populous of just over 1 million within the estimated 300 Sq Miles that the city covers.</p> <p>We do however suggest that an age criteria should be differentially adopted between that of a 'saloon type' vehicle and 'wheelchair accessible' vehicle specifically in the Hackney Carriage trade.</p> <p>We also feel that vehicles operating in the</p>	<p>The age criteria is already different between saloon type vehicles (7 years) and wheelchair accessible vehicles (8 years).</p> <p>All proprietors have the option to aim for an extension to the age criteria if their vehicle can meet the required criteria including a full service</p>	None.

	<p>Private Hire sector should be limited to an equal age limit, but that vehicles operating on a lesser level as wheelchair accessible should be classified as 'saloon type' in that they perform less duties as opposed to wheelchair accessible Hackney Carriages within the city.</p> <p>While we agree that age criteria should apply to both wheelchair accessible and saloon type in the hackney carriage sector, we feel that the current differential does not take fully into account that saloon type vehicles are predominantly used as ordinary passenger vehicles and that of wheelchair accessible are not an everyday ordinary family vehicle, but that of a purpose built type in construction or variant thereof.</p> <p>It is clear that a purpose built or variant of wheelchair accessible vehicle will and does have a much better working life expectancy over that of saloon types vehicles due to the general durability of components used in the manufacture or replacement of such.</p> <p>We cannot overlook the cost element of replacement of a like for like vehicle. Ranging from approx £4,000 up to £12,000 for a saloon type vehicle, to between £16,000 up to £32,000 for a wheelchair accessible vehicle.</p>	<p>history as per the manufacturer's standards.</p> <p>The Taxi and Private Hire Licensing Section offer guidance to all proprietors as to how this can be achieved.</p>	
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	<p>Maintenance and service costs applicable to both are also considering factors with the respect clearly on investment in the vehicle as far as running costs.</p> <p>Over the current 8 year period which is your current base standard (rising annually after pass-ing an 'exceptional condition' test) on both types of hackney carriage vehicles it can be as much if not more than approx £88,000 on fuel in cost and as much as £8,000 on servicing for running costs for a wheelchair accessible vehicle. Whereas a saloon type vehicle would have significantly less running costs with the current largest engine vehicle estimated to run at £57,000 over the period for fuel and £4,000 on servicing.</p> <p>This being largely due to the ability to have a saloon type vehicle serviced at any garage of choice and not that of a specific national dealer type garage with inflated costs.</p> <p>Taken over the 8 years the levels of investment in one over the other equates to approx £96,000 (wheelchair accessible vehicle) and £61,000 (saloon type vehicle). A huge difference of approximately £35,000 based on current running costs compared from users of both types.</p>	<p>Extensive research was carried out between 2005 – 2009 in relation to the age criteria condition.</p> <p>These statistics were presented to the then Licensing and Regulatory Panel who made a decision which resulted in the current age criteria condition coming into effect.</p>	
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	<p>This is the most compelling reason and argument over the current age criteria being that it is disproportionate between the two types currently in service. These comparative figures do not take into account financial payments made on the purchase of either type of vehicle either which would see the top end price for a wheelchair accessible vehicle to rise from £32,000 to roughly upwards of £36,000.</p> <p>It is also evident that a wheelchair accessible vehicle is also in a unique position to carry an advertising livery, which aids the bodywork to remain in relatively pristine condition, giving the life expectancy a greater possibility over that of the saloon type.</p> <p>Unite urge and welcome an increase in the age criteria for wheelchair accessible vehicles to be equal to that of other UK cities which operate similar or identical vehicles, but which they offer a fifteen-year limit. Specific relation to cities such as London (which has just set its age criteria), Birmingham and Sheffield.</p> <p>An increase in the age criteria for saloon vehicles would also be welcomed, but not equal to that of the wheelchair accessible vehicles being that saloon vehicles are not purpose built for the job.</p>	<p>It will take a further three years for the Section to undertake further research – to inspect all vehicles falling within a specified age range.</p> <p>Officers will agree to review the age criteria condition again in three years time after completion of the research.</p>	<p>Officers recommend a shorter period of review – 3 years – for the age criteria condition.</p>
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	<p>ADVERTISING LIVERY: Advertising livery has existed now in Leeds for a decade and was wholeheartedly welcomed by taxi drivers as it brought Leeds up to equivalence with other core cities where it had been cited prior.</p> <p>Sadly and most confusingly is the question why there has always existed a time limit on such liveries to be placed on vehicles to which they can be carried for the advertising client.</p> <p>It is a strange anomaly that a vehicle running a livery, which is concurrent, can run that advert indefinitely irrespective of its age and yet a vehicle reaching a 5-year age limit must be produced for inspection to ascertain its viability to carry a further advert. Whilst it could be argued that the bodywork must be suitable for the advert to be placed on the vehicle, it is also arguable that of all the advertising agencies consulted (VPFS, Verifone, Ubiquitous, Clear Channel) etc, not one has stated that less than pristine or exceptional condition to the bodywork would prevent them from placing such an advert on such a vehicle.</p> <p>Moreover, it is arguable that with the limit raised it would further add the following</p>	<p>There is always an opportunity for Officers to allow a variation to the policy i.e. vehicles must be inspected and deemed to be in a suitable condition.</p> <p>The time limit is in place to allow Officers the opportunity to ensure that a corporate wrap is not being used to cover up poor body work.</p>	
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	<p>benefits:</p> <p>A: An improved condition fleet</p> <p>B: Greater probabilities of an owner replacing a like-for-like vehicle come such time. This subsequently contributing to retaining a level of 5/6 seat vehicles within the hackney carriage fleet.</p> <p>C: Would improve owner income from an improved business perspective. Offering a viable incentive for owners continuing in such vehicles, especially in these uncertain economic times.</p> <p>D: Would increase the likelihood of local corporate business advertising their own brand and therefore assisting the local economy through this medium, which is seen by many national and international visitors on a daily basis. This current view is taken from comments made by a current media advertiser carrying adverts on hackney carriages in the city.</p> <p>It is further arguable that with the additional years advertising that it would also increase the council's budgetary fiscal input to the department. It would be acceptable if the limit were to be raised for, the fee equal to that of a new application be charged for both new applications and renewals alike.</p>		
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	<p>Equating this to one vehicle, alone it could provide an additional income to the department of £200 over an additional 5-year period. Were the advertising to be allowed to match any future recommendation with respect to increase in age and were it to be equal to that of other core cities mentioned in item 1 then it would further increase the income to the department.</p> <p>Given that current responses from advertising companies suggest that they are currently only planning advertisements on London Taxi TX4's and Euro cab E7's, it would suggest that those vehicles already hailed by disability groups as 'ideal vehicles' would show an increase in the fleet.</p> <p>Unite would welcome and urge an increase in the advertising livery age to a maximum no greater than the age applied to such vehicles available to carry advertising currently.</p> <p>HACKNEY CARRIAGE AND PRIVATE HIRE LIVERY: Leeds is one of many authorities, which sees the need to use a specific livery to identify its own Hackney Carriages to those of the other neighbouring ones (Bradford, Harrogate etc).</p>	<p>This would make no difference to the Taxi and Private Hire Licensing Section as we are not permitted to make a profit from the service/s that we provide.</p>	
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	<p>The livery used for Hackney Carriages in Leeds has been around for many decades, originally being all 'black cabs' in line with other cities. It has served the user in Leeds well in that they have and do still recognise the distinctive black bonnet and boot and white body with that of Leeds.</p> <p>The current livery and vehicle mixture of saloons being adopted after a survey of Leeds residents back in the early 1970's, with the predominance of salon vehicles being the case 100% up until approximately 1992 when a saloon vehicle changed to a wheelchair accessible one, bucking the trend over the preceding two decades and being a precursory launching platform for the return of purpose built taxis back in 1994/5.</p> <p>However, it is clearly stated in the Local Government Miscellaneous Provisions Act 1976, that no vehicle must be of the "same shape, design or colour as to indicate to the public that they are a Hackney Carriage".</p> <p>Unfortunately, recently decisions were made to allow private hire to firstly use 'same design' vehicles and then to further allow them to become 'all black'.</p> <p>Unite do not agree with these policies and believe that they are misleading in their very</p>	<p>The conditions that the Council has in place clearly defines and demonstrates to the public that there is a difference between Hackney carriage vehicles and private hire vehicles.</p> <p>Bournemouth BC [R] v Thompson & Anor Held; That it was for a Council to decide if 'in the locality' a vehicle produced for PHV licensing appeared to be a Hackney Carriage.</p>	
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	<p>nature to both the local users, but more so to that of the visitors to the city.</p> <p>While it can be argued that no one has complained regarding this nature, it can also be argued as to how many have actually hailed one of these vehicles, been picked up without the knowledge that they were not in fact licensed as Hackney Carriages and subsequently been transported without adequate insurance coverage.</p> <p>Unite are concerned that the very nature of the meaning of what is a Hackney Carriage is being blurred and that clear definitive's exist to clarify that very blurring, that being the Local Miscellaneous Provision Act 1976 and its full interpretation and implementation.</p> <p>Legislation and the inception of the LGMP Act 1976 was to prevent users becoming void to the types of vehicles available at their disposal and the misrepresentation of such.</p> <p>Therefore, Unite suggests neither the same design or shape or colour, whether it be black or white or a combination of either, be further allowed to continue to be used in the Private Hire sector and should be actioned from this consultation.</p> <p>It should remain within the councils remit to</p>		
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	<p>retain the right to implement the choice to return to an all black hackney fleet should it so decide. This recent alteration does not allow for that very idea and would be a compelling argument for its revocation of use in the Private Hire sector with immediate effect.</p> <p>Unite cannot and does not condone the use of these decisions. There must always be a distinction between Hackney Carriages and Private Hire to afford the user the safe knowledge as to which type of vehicle they are in fact entering into, either by hailing, from a rank or via telephone in respect of Private Hiring's.</p> <p>Unite does not accept that an argument would be that Private Hire need to use the same wheelchair accessible vehicles and as such see a relaxation of the LGMP Act 1976 as a proviso for such. Given that currently only approximately 1% of the Private Hire fleet in Leeds are currently accessible to that of almost 60% of the Hackney Carriage fleet.</p> <p>Unite urges via this consultation to remove this flagrant misuse and misinterpretation of the Local Government Miscellaneous Provisions Act 1976 and ensure that the clear definition of distinctions be maintained.</p>	<p>This would restrict the private hire vehicle market as well as reducing the equality provision which the private hire fleet contribute to.</p> <p>The livery on vehicles clearly distinguishes between Hackney carriage and private hire vehicles.</p> <p>Additionally, the conditions continue to prevent the licensing of 'London Cab' style taxis i.e. TX series for the purpose of working as a private hire vehicle.</p>	
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	<p>We would welcome the responses in this report to be taken as part of the consultation process with regard to the points raised and that serious consideration will be given to those very points.</p> <p>We look forward to the final findings and eventual report from this consultation process being made available.</p>		
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Plying for Hire Policy: Email Responses

Response From:	Response Details:	Officer Response:	Change to policy:
Private Hire Driver	<p>The issue of plying for hire.</p> <p>Having personal experience of being suspended, the research I came across seemed to ridicule the entire setup.</p> <p>The Office of Fair Trading has completed two reports, now on it's third. Recommending deregulation. Mainly on principle of an open market. The reports are of course in detail.</p> <p>The legal issues entailing suspension of private hire drivers were addressed by Justice Silber, in a case between LCC and a private hire driver.</p> <p>Justice Silber saw the suspension, without proofs brought to a court of law, as legally unstable. Taking a persons means of income away from them on an assumption, being wrong.</p> <p>To drive without insurance is a serious offence. To create circumstances where members of the public could be exposed to</p>	<p>The issue of de-regulation is currently being considered by the Law Commissions review of Taxi and Private Hire legislation. Its decision is expected in due course.</p> <p>All plying for hire cases are progressed where there is evidence of an offence being committed.</p> <p>Officers agree with this point.</p>	None.

	<p>this, is irresponsible, to say the least.</p> <p>In an ideal world it would perfect if the public could ring a cab office and book a car. As is common knowledge, after a night out, most members of the public simply approach the nearest vehicle, licensed or not. It is a matter of public safety that vehicles carrying members of the public be as safe as possible. A crime free world, unfortunately, is a distant mirage. Hence the previous efforts of the council to increase the number of hackney carriage vehicles in the late 90's. This was, I believe, in response to recommendations of main government.</p> <p>There was a concerted effort by the council to increase the amount of hackney carriage drivers, after which, vehicle licences would be issued.</p> <p>Unfortunately, this was blocked by the existing hackney carriage drivers, some of whom are "Caretakers" of many vehicle licenses. These vehicles are rented out to drivers. The ownership of these licenses is wholly and entirely Leeds City Council, ie: the public of Leeds. To limit the issue of hackney carriage vehicle licenses, allows this minority to make large financial gains, at the expense of the public of Leeds. Why this minority have this allowance is unexplainable. Surely, the public</p>	<p>Members of the public are able to do this in order to pre-book either a taxi or a private hire vehicle. Indeed, to hire a private hire vehicle, the public must pre-book.</p> <p>Enforcement operations are frequently carried out against vehicles plying for hire. Our policy was agreed by Elected Members to show how serious the Council considers this offence.</p> <p>As well as Officers of the Council, licensed private hire drivers also have a responsibility to educate the people of Leeds by reminding them to pre-book if they are attempting to enter their vehicle without doing so.</p> <p>The number of Hackney carriage vehicle licences was increased by the Council as a result of an independent Unmet Demand Survey.</p> <p>These surveys are required regularly, with the last one being undertaken in 2009. This concluded that there was no significant unmet demand for Hackney carriages and no further licence issue was required.</p> <p>Unmet Demand Surveys will continue to be carried out as required in the future.</p>	
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	would be served better, with the implementation of deregulation, as recommended by main government. Thus allowing members of the public to be taken to their destination in an insured vehicle.		
Councillor James Monaghan (received 16.2.11)	<p>I am writing to add my views to the taxi and private hire licensing consultation that is currently being undertaken. My comments relate primarily to illegal plying for hire by private hire drivers, which is a significant issue in Headingley ward.</p> <p>The current plying for hire policy is inadequate to cope with the level of the problem experienced in areas such as central Headingley and that can be clearly seen from the continued escalation of the problem despite numerous efforts to tackle it.</p> <p>In Headingley there is frequent illegal plying for hire outside the Box pub on Otley Road throughout the year in an evening. On particularly busy weekends the problem extends to private hire cars waiting outside the Original Oak pub, by the war memorial, bus stops and almost anywhere drivers can find space to stop at the side of the road regardless of the obstruction or hazard doing so poses to pedestrians and other motorists.</p> <p>I fully support the new policy proposals that</p>	<p>The Taxi and Private Hire Licensing Section have undertaken, and continue to undertake, exercises using Leeds Watch CCTV to detect and monitor plying for hire activity.</p> <p>This is a new way of working to deal with the problem and take the evidence forward to gain successful results in Court.</p>	The Licensing Committee to consider whether it wishes to extend the periods of revocation.

	<p>strengthen the action the council can take against plying for hire. However, the problem is so widespread and irresponsible private hire drivers are so persistent in plying for hire that I believe the punishment should be more severe and that a license should be revoked for 3 years in the first instance not the second. If there is a second offence then the license should be revoked permanently.</p> <p>I would also like to see a better system in place for catching private hire drivers plying for hire. The current system relies on an officer witnessing an offence and private hire vehicles tend to vanish when they see someone monitoring them only to return when the monitoring officers leave the area.</p> <p>I would like to see 'exclusion zones' or similar set-up in areas where there is a particular problem. If a private hire driver is found to be waiting for more than a couple of minutes in one of these areas, via an enforcement officer or CCTV, they can be dealt with by the council for plying for hire.</p> <p>I hope these comments are useful and that Leeds can finally get a grip on tackling the problem of plying for hire.</p>		
Member of the public	Dear Sir		

	<p>I am writing in approval of any strengthening of conditions regarding either the enforcement of existing regulations or regarding the existing rules on taxi/private hire. I have two daughters who regularly go to the late nights etc. in central Leeds. Invariably we insist that they book a taxi to take them home from a recognised private hire company. I have noted that in the conditions of hire is the requirement to have a camera in the car. This I think is essential, as any parent of young women can recount a number of dubious approaches to their daughters from men in central Leeds.. If unlicensed cabs are free to ply for custom this can only lead to problems, as there will be no restraint on the behaviour of drivers in unlicensed cars.</p>	<p>There is an existing condition in place to allow the installation of an approved CCTV system for the safety of both the driver and passengers.</p> <p>However, it is not compulsory for such a system to be in place and it is the choice of the vehicle proprietor should they wish to use it. Funding is available to assist with the cost of installing an approved system.</p>	None.
Member of the public	<p>Dear Sir</p> <p>I understand that the current Council policy in this area is being reviewed though I am not clear what, if any, changes are being proposed.</p> <p>While I support the current policy I have to say it is wholly ineffective. When I wait for a bus in Albion Street, or walk past The Box in Headingley, on a Saturday night I find large numbers of private hire vehicles clearly waiting to be hired rather than collecting a pre-booked fare. In Albion Street, when forced to</p>	<p>The policy has been under review but Officers have not proposed any changes to be made.</p> <p>There is currently an Experimental Order in place around Albion Street and Call Lane. Highways are monitoring any improvements to the congestion and safety of the travelling public.</p>	The Licensing Committee to consider whether it wishes to extend the periods of revocation.

	<p>move by buses, drivers simply circle round and return as quickly as they can.</p> <p>In my view the penalties need to be made more draconian, with longer periods of licence suspension than the current one and three year periods - five and ten might be more effective. Coupled with this there is a need for a serious enforcement drive - however good the policy, if people believe it will not be enforced than they will ignore it.</p>		
Member of the public	Hi, the unofficial taxi rank on Headingley Lane each evening is a hazard to other traffic and pedestrians	The Taxi and Private Hire Licensing Section have undertaken, and continue to undertake, exercises using Leeds Watch CCTV to detect and monitor plying for hire activity.	None.
Cllr. Colin Campbell	Generally I would support the Councils approach but feel that all vehicles should prominently display signage to indicate that if the private hire vehicle is not hired in the correct manner then occupants cease to be insured, (i.e if it is used as a hire and ride or a driver sits outside a venue waiting for people to come out). As this is known by the drivers to be illegal I feel if anyone is convicted then their licence should be removed.	<p>Officers have put forward a proposal to change the private hire vehicle conditions to include requirements for livery to reflect this request;</p> <p>‘An option may be to pass the responsibility to affix such a sticker onto the Private Hire Operators. This would have to conform to a Council standard, saying something similar to “If not pre-booked through [Operator Name], no insurance, no journey”. ‘</p>	None.
Bus Operator	<p>Plying for hire five year ban for first offence</p> <p>Ten year ban for second offence</p> <p>They are breaking the law so no one should</p>	Officers have noted these comments.	The Licensing Committee to consider whether it

	have a problem with it.		wishes to extend the periods of revocation.
GMB	<p>The GMB has consulted widely with our membership throughout Leeds regarding this policy.</p> <p>We object to the current policy of entrapment used by Leeds City Licensing Department which draws drivers into committing offences that they would have entered into without that entrapment taking place.</p> <p>Our members do not believe that it is befitting for an organisation such as Leeds City Council to partake in shoddy activities such as these.</p> <p>We are aware that “plying for hire” is a crime and have written to all our members strongly condemning the practise and warning them of the consequences to their livelihood.</p> <p>Our members believe that the policy currently in place is too severe and should be changed to allow a stern warning to be allowed for the first offence.</p> <p>Our members also believe that drivers accused of this offence should firstly be given the opportunity to present their case to a board of elected members chosen from the Licensing Committee, the cost of appealing to</p>	<p>The Test purchasing exercise carried out by Authorised Officers to detect Plying for Hire offences is not considered ‘entrapment’ in law. This has never been a successful defence in any of the Plying for Hire cases prosecuted by the Council. Case law exists which determines this method of test purchase is a legal and accepted method of detection.</p> <p>Officers welcome this approach by GMB and are willing to work with the union to assist with this message.</p> <p>This was recently reviewed by the Licensing Committee who decided not to change the existing scheme of delegation.</p> <p>Drivers can receive assistance towards the</p>	None.

	<p>the courts is prohibitive and unnecessary.</p> <p>Most authorities use this system and furthermore, drivers are not suspended unless the Licensing Committee finds against them and then the suspension is carried out in a dignified manner. At present drivers suspected of plying for hire have their metallic side plates stripped from their car at the highway, this forms part of the punishment and is degrading. We feel that it is shocking that an organisation such as Leeds City Council should degrade its citizens in this way.</p> <p>On behalf of the Professional Drivers Branch of the GMB (LEEDS)</p>	<p>cost of appeal by approaching the Court.</p> <p>This advice is given in all suspension and revocation letters.</p> <p>The Council has a duty of care to protect the safety of the travelling public of Leeds.</p> <p>Where a driver commits an offence and the vehicle is suspended, members of the public must not be able to mistake that vehicle for a licensed vehicle. The livery is therefore removed from the vehicle at the point of suspension.</p>	
Private Hire Operator	<p>Greenbean Cars is grateful for the opportunity to comment on the ongoing consultations upon Taxi and Private Hire licensing. In particular, it would like to comment upon consultations 1 - Private Hire Operator Conditions and 4 - Plying for Hire.</p> <p>The company welcomes the review of policy relating to plying for hire and agrees that improving ways of dealing with the issue would bring significant benefits to public safety . Every means possible should be used to deter Private Hire Drivers from committing this offence.</p>		None.

	<p>The company is concerned that plying for hire policies have traditionally focused upon individual drivers rather than the general culture and pressures within the industry that leads to this practice.</p> <p>The company believes that additional pressure should be placed upon Operators who hold a unique influence upon drivers and their practices. It is Operators that hold the key to this issue since they can monitor driver behaviour and establish working cultures. Intervention of Enforcement Officers should only be as a last resort.</p> <p>It is the company's view that it would not be unreasonable for Operators to be penalised by proportionate fines if one of their drivers, or a number of their drivers, were caught plying for hire.</p> <p>The company also believes that it would be reasonable to ban drivers from working for that Operator should they be prosecuted for plying for hire offences. This would also bring further pressure upon Operators to better manage their drivers.</p> <p>Private Hire Drivers are under considerable pressure to increase the number of fares and the temptation to ply for hire is increasingly strong. This is because of increasing running costs, evermore Private Hire Drivers entering</p>	<p>This will form part of a separate review of the private hire operator conditions.</p> <p>The first review has recently been completed and Officers are considering proposals and recommendations before further consultation is carried out.</p> <p>The final proposals will be brought before the Licensing Committee in due course.</p>	
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	<p>the industry and strong competition from Hackney Carriages who hold greater privileges. The latter is especially true at night time when customers are seeking a journey home from a night out immediately without having to wait for a pre-booked vehicle. To the customer's mind there is often little understanding that an un-booked journey with a Private Hire Vehicle will be uninsured and unmonitored as per section 2 of the 2007 Plying for Hire Policy.</p> <p>In the longer term this misunderstanding of the public and the whole issue would be better resolved if both PHVs and Hackney Carriages could ply for hire. Whilst this would require change to primary legislation it would be an effective long term solution to the issue since so few customers pre-book a night time journey. This would bring substantial benefits to the public since all drivers would have to conform to the higher Hackney Carriage standards and would ensure all journeys are monitored and insured.</p> <p>In the interim there would be strong benefits to establishing agreements with night time entertainment providers to allow Private Hire Operators to collect customers without prior bookings outside their venues. The company has already seen this operate effectively in certain parts of the city.</p>	<p>Currently being considered by the Law Commission's review of Taxi and Private Hire legislation. Its decision is expected in due course.</p> <p>The Council supports private hire operators who wish to establish booking booths, allowing customers to pre-book vehicles at the venue and be collected outside.</p>	
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	<p>Once again, I thank you for the opportunity to comment on this important issue and look forward to any improvements the Council decides to pursue.</p>		
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Executive Private Hire Conditions: Email Responses

Response From:	Response Details:	Officer Response:	Change to policy:
Member of the public	<p>As a UK citizen, Council Taxpayer for Leeds City Council and a regular user of taxis in Leeds, I want to contribute to this consultation.</p> <p>I raise several points regarding 5a and there are points that I feel should change regarding Executive Private Hire Operator Conditions.</p> <p>1) Any change of operator must immediately invoke a CRB check on the driver in order to protect the public, see section 2</p> <p>2) As a regular user of taxis and private hire vehicles in the City of Leeds, I find some drivers still struggle with understanding English. This is particularly prevalent among private hires but I have encountered the problem with a few taxi drivers. Therefore, I feel, a change is warranted to section 6. My feeling instead of assessing English language proficiency when there is reasonable cause to believe it may be an issue. It is my feeling this should become a part of the application process, especially for those driving private hire. All application material, all testing, all interviews and all training must be done in</p>	<p>The requirements for CRB vetting is to be considered by the Licensing Committee in April 2013.</p> <p>The requirement for English comprehension testing was introduced in 2006 and all new applicants to the taxi and private hire trade.</p> <p>Applicants must pass this test prior to being granted a licence.</p> <p>Where a substantiated complaint is received against an existing licence holder, they may also be required to sit the test.</p> <p>All of the Taxi and Private Hire Licensing Sections documentation and training is</p>	None.

	<p>English to ensure the driver has the required level of English necessary to deal with passengers.</p> <p>3) I propose an addition to the regulation. Taxi and private hire drivers provide a service to the residents of Leeds. As a regular user, it is my feeling this is something that should be known or expected when someone begins their career as a driver. This means they should expect varying requests and while some requests cannot be filled, request for a domestic animal to accompany its owner should not be refused. It is my feeling due to high unemployment in Leeds, rising gas prices, and lack of alternative animal transport in the City of Leeds a taxi or private hire driver should not unreasonably refuse to take a domestic animal when the owner provides the proper control of the animal.</p> <p>Finally I raise an objection to Section 5 b. I raise an objection in allowing a individuals to change companies in the Executive trade without having to change their badge. I feel allowing this is a risk to public safety. Furthermore I believe anyone changing companies should be required to go through a CRB check and be required to apply to transfer.</p>	<p>delivered in English.</p> <p>The Equality Act 2010 states that all taxi and private hire vehicles must carry assistance dogs – this includes Executive private hire.</p> <p>The decision to carry domestic pets is entirely at the discretion of the driver.</p> <p>Licensing conditions require any licensed driver to inform the licensing section immediately in writing and in any case not more than 72 hours after the event if he / she changes operator. It is essential to the enforcement ability of the council and public safety issues that there is strict adherence to this condition.</p> <p>There is no exception to this condition for Executive Private Hire drivers.</p>	
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		The requirements for CRB vetting is to be considered by the Licensing Committee in April 2013.	
Member of the public	<p>Dear Sirs.</p> <p>I would like to submit the following for inclusion of the Executive Hire Consultation process.</p> <p>I relinquished my Operators license directly as a result of the conditions which are imposed in the LCC area.</p> <p><u>Purchase Value of Cars</u></p> <p>I am writing to outline my concerns over the introduction of minimum vehicle cost of £45,000 under Executive Private Hire license.</p> <p>After consulting the current proposed conditions under Executive Private Hire I am agreeable to the overall purpose being to distinguish the difference between Private Licensed Vehicles and Executive Licensed Vehicles.</p> <p>I would like to express my frustration and sincere disapproval of a minimum value of £45,000 being introduced for Executive Hire which is undoubtedly un-supported by everyone in the trade, and carries no logical reason for its proposal.</p> <p><u>Impact of changes</u></p>	<p>In November 2007 the Licensing and Regulatory Panel approved the following condition;</p> <p>1. Type of Vehicle</p> <p>d) Executive Saloon Vehicle</p> <p>To ensure a distinct category of Executive vehicle which divides Executive and standard private hire saloons the Executive vehicle will have an initial retail value of not less than £45,000 at the point of registration. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glass's Guide'.</p> <p>e) Executive People Carriers</p>	<p>Members may wish to consider if these conditions should be amended or remain as they are.</p>

	<p>Introducing a value of £45,000 for cars under Executive Hire License carries a severe impact to the trade and those involved. Introduction of such a high value will result in a huge increase in expenditure for current license holders as it would force them to have to change their vehicles and in some circumstances agree to finance/credit which is potentially un-sustainable in the current climate.</p> <p>Furthermore I would like to confirm that we have consulted all neighbouring local authorities including Bradford, Harrogate, Wakefield and Selby, and there appears to be fewer and less restrictive rules for Executive Hire. There also appears to be no minimum monetary value set for vehicles licensed.</p> <p>It is my sincere hope that whilst we are in agreement to differentiating ourselves from Private Hire, and the introduction of a minimum vehicle value I feel this value needs to be at £30,000 for Executive Saloons. This value is also in line with Executive People carriers and will still enable a minimum vehicle standard to be introduced by LCCM as opposed to Private Hire which currently carries no minimum cost value.</p> <p>I would also like to add that I feel that the maximum age for first licensing should also be a little more flexible in certain circumstances, the</p>	<p>To ensure a distinct category of people carrier which divides Executive and standard private hire people carriers the Executive vehicle will have an initial retail value of not less than £30,000 at the point of registration. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glass's Guide'.</p> <p>These conditions were set to ensure a clear distinction between standard private hire and executive private hire.</p> <p>Officers see no reason to deviate from these conditions.</p> <p>Officers view remains the same; as an Executive trade, the current condition sets the type of vehicle to be licensed at the Executive level. This is not considered to be onerous, with options available to extend the life of the vehicle licence.</p> <p>There is the option for any Executive Private Hire vehicle operator or proprietor to apply to licence vehicles under the standard private hire conditions where pricing criteria for Executive licensed vehicles does not apply.</p> <p>The age criteria of 2 years for first licensing of an executive saloon vehicle and 1 year for an executive people carrier is considered</p>	
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	<p>present fixed term of up to 12 months for a people carrier and slightly longer for a saloon.</p> <p>There is no provision for the loss of a vehicle during it's working life for either theft, fire or mechanical failure.</p> <p>If an Operator loses the use of a vehicle at 2 years of age he would still have 3 years that he could renew that license for that 2 year old vehicle but can not replace it by a vehicle of the same age that would give in effect still give him 3 years further operating as by the current terms it would be too old for first licensing. He must buy new or nearly new at great cost to himself to meet the criteria of first licensing.</p> <p>This I feel is very harsh in todays present climate and was the reason I had to relinquish my Operators license as I could not afford to continue under the existing terms and conditions.</p> <p>5th anniversary of this legislation it has done nothing but force a significant number of previous operators either out of business or to go unlicensed or seek inappropriate licences though VOSA. We believe that at present there are 7 LCC vehicles by 4 operators. As Leeds is one of the largest Local Authorities in the Country this figure is wholly disproportionate to comparable any large city elsewhere in England</p>	<p>reasonable in order to maintain a clear distinction from standard private hire vehicles and also provide scope for executive operators/proprietors to take advantage of any depreciation from 'new car' price limit of 45K for a saloon car and 30K for the people carrier.</p> <p>The depreciation of an Executive vehicles value from two years of age results in the vehicle becoming affordable to the standard private hire trade.</p> <p>There Executive trade would therefore lose their distinction between from the standard private hire trade.</p> <p>There is the option for any Executive Private Hire vehicle operator or proprietor to apply to licence vehicles under the standard private hire conditions where pricing criteria for Executive licensed vehicles does not apply.</p>	
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	<p>We hope to seek the support, and amendment of those conditions listed above with considerations given by Leeds City Council such as:</p> <ul style="list-style-type: none">i) Supporting and appreciation of the current and forecast trading conditions for small enterprises in the current economy.ii) Threat posed to current providers of Executive Trade License holders to lose clients if forced down the Private Hire License as it is traditionally a request of clients for vehicles to be discreet and professional (ie, Private Hire License would not be appropriate with current livery conditions). Also consideration to be given that neighbouring local authorities have executive licenses that clients could use if preferred.iii) The Executive Hire trade proposal of £30,000 for executive cars and people carries to be consistent still offers comfort to Leeds City Council of distinguishing difference between Private & Executive License holders. <p>I hope that you have seen sufficient information to support our view point and that we have demonstrated support of Leeds City Council conditions. I also hope you are in agreement of introducing £30,000 base value for both saloons</p>		
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	<p>and people carriers.</p> <p>The Department for Transport's own Taxi and Private Hire Licensing Best Practice Guidance March 2010 makes absolutely no reference to a maximum or minimum value of cars.</p> <p><u>Other issues</u> <u>Livery</u></p> <p>On the 6th November 2007 when the Executive Licence Hire legislation was passed at that meeting the livery had NOT been finalised but it was to be produced at a later stage to be agreed with the trade and that 'Delegated Powers' be used to implement a rear LLC badge/ identification plate. This never took place and the existing one was imposed without consultation despite ones being offered for approval by Garry Houseman (CSC)</p> <p>We fully support LCC's concerns over livery but this can be something that's in the rear window as per previous proposals and agreements . Body mounted livery attracts unwanted attention for both our drivers and customers alike. It was agreed by the Licensing Panel meeting of November 2007 that Livery was to be agreed with the trade and implemented by way of Delegated Powers. This did not take place.</p>	<p>The best practice guidance issued does not determine how individual Authorities are to apply legislation. It is left for the individual the Licensing Authority to determine how best to implement licensing regulations within their particular district.</p> <p>Legislation requires that a licence plate is displayed to the front and rear of a licensed vehicle. The Council is willing to consider proposals to alter the appearance & positioning of the existing rear licence plate.</p> <p>The requirements to display licensing livery has already been relaxed for executive vehicles compared to the requirements for standard private hire vehicles to allow for the discreet aspect of the service provided.</p>	
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	<p><u>Executive Licensed Drivers</u></p> <p>I believe that all Executive drivers should be allowed to work between organisations. We work well together and are supportive of each other's organisations and this would help significantly with our respective businesses during in high demand periods. We are happy to support the council in implementing a method of control to ensure that Public Safety is not compromised.</p>	<p>Licensing conditions require any licensed driver to inform the licensing section immediately in writing and in any case not more than 72 hours after the event if he / she changes operator. It is essential to the enforcement ability of the council and public safety issues that there is strict adherence to this condition.</p> <p>There is no exception to this condition for Executive Private Hire drivers.</p> <p>The Council will consider the possibility of adding more than one operating company to a drivers licence. This would be dependant on legal notification requirements and potential conflicts that may occur in the licensing computer database.</p>	
Executive Private Hire Operator	<p>Dear Sirs.</p> <p>We would like to submit the following for inclusion of the Executive Hire Consultation process.</p> <p><u>Purchase Value of Cars</u></p> <p>I am writing to outline our concerns over the introduction of minimum vehicle cost of £45,000 under Executive Private Hire license.</p>	<p>In November 2007 the Licensing and Regulatory Panel approved the following condition;</p>	<p>Members may wish to consider if these conditions should</p>

	<p>After consulting the current proposed conditions under Executive Private Hire we are agreeable to the overall purpose being to distinguish the difference between Private Licensed Vehicles and Executive Licensed Vehicles.</p> <p>We would like to express our frustration and sincere disapproval of a minimum value of £45,000 being introduced for Executive Hire which is undoubtedly un-supported by everyone in the trade, and carries no logical reason for its proposal.</p> <p><u>Impact of changes</u></p> <p>Introducing a value of £45,000 for cars under Executive Hire License carries a severe impact to the trade and those involved. Introduction of such a high value will result in a huge increase in expenditure for current license holders as it would force them to have to change their vehicles and in some circumstances agree to finance/credit which is potentially un-sustainable in the current climate.</p> <p>Furthermore we would like to confirm that we have consulted all neighbouring local authorities including Bradford, Harrogate, Wakefield and Selby, and there appears to be fewer and less restrictive rules for Executive Hire. There also appears to be no minimum monetary value set for vehicles licensed.</p> <p>It is our sincere hope that whilst we are in</p>	<p>1. Type of Vehicle</p> <p>d) Executive Saloon Vehicle</p> <p>To ensure a distinct category of Executive vehicle which divides Executive and standard private hire saloons the Executive vehicle will have an initial retail value of not less than £45,000 at the point of registration. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glass's Guide'.</p> <p>e) Executive People Carriers</p> <p>To ensure a distinct category of people carrier which divides Executive and standard private hire people carriers the Executive vehicle will have an initial retail value of not less than £30,000 at the point of registration. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glass's Guide'.</p> <p>These conditions were set to ensure a clear distinction between standard private hire and executive private hire.</p> <p>Officers see no reason to deviate from these conditions.</p> <p>Officers view remains the same; as an</p>	<p>be amended or remain as they are.</p>
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	<p>agreement to differentiating ourselves from Private Hire, and the introduction of a minimum vehicle value we feel this value needs to be at £30,000 for Executive Saloons. This value is also in line with Executive People carriers and will still enable a minimum vehicle standard to be introduced by LCCM as opposed to Private Hire which currently carries no minimum cost value.</p> <p>Near the 5th anniversary of this legislation it has done nothing but force a significant number of previous operators either out of business or to go unlicensed or seek inappropriate licences though VOSA. We believe that at present there are 7 LCC vehicles by 4 operators. As Leeds is one of the largest Local Authorities in the Country this figure is wholly disproportionate to comparable any large city elsewhere in England</p> <p>We hope to seek the support, and amendment of those conditions listed above with considerations given by Leeds City Council such as:</p> <ul style="list-style-type: none"> - Supporting and appreciation of the current and forecast trading conditions for small enterprises in the current economy. - Threat posed to current providers of Executive Trade License holders to lose 	<p>Executive trade, the current condition sets the type of vehicle to be licensed at the Executive level. This is not considered to be onerous, with options available to extend the life of the vehicle licence.</p> <p>The £30,000 price limit applied to an 'Executive people carrier' was decided due to the market value of vehicles produced as executive people carriers, as opposed to executive saloon vehicles.</p> <p>There is the option for any Executive Private Hire vehicle operator or proprietor to apply to licence vehicles under the standard private hire conditions where pricing criteria for Executive licensed vehicles does not apply.</p>	
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	<p>clients if forced down the Private Hire License as it is traditionally a request of clients for vehicles to be discreet and professional (ie, Private Hire License would not be appropriate with current livery conditions). Also consideration to be given that neighbouring local authorities have executive licenses that clients could use if preferred.</p> <ul style="list-style-type: none"> - The Executive Hire trade proposal of £30,000 for executive cars and people carries to be consistent still offers comfort to Leeds City Council of distinguishing difference between Private & Executive License holders. <p>We hope that you have seen sufficient information to support our view point and that we have demonstrated support of Leeds City Council conditions. We also hope you are in agreement of introducing £30,000 base value for both saloons and people carriers.</p> <p>The Department for Transport's own Taxi and Private Hire Licensing Best Practice Guidance March 2010 makes absolutely no reference to a maximum or minimum value of cars.</p> <p><u>Livery</u></p> <p>On the 6th November 2007 when the Executive Licence Hire legislation was passed at that</p>	<p>The pricing structure applied to Executive private hire vehicles is considered the most appropriate method of providing a clear distinction from standard private hire. This clear distinction is required by the executive private hire trade to maintain their position in the market to provide a high level personal transport service. The option to provide a 'standard private hire' service or an 'executive private hire service' is an individual business decision.</p>	
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	<p>meeting the livery had NOT been finalised but it was to be produced at a later stage to be agreed with the trade and that 'Delegated Powers' be used to implement a rear LLC badge/ identification plate. This never took place and the existing one was imposed without consultation despite ones being offered for approval by Garry Houseman (CSC)</p> <p>We fully support LCC's concerns over livery but this can be something that's in the rear window as per previous proposals and agreements . Body mounted livery attracts unwanted attention for both our drivers and customers alike. It was agreed by the Licensing Panel meeting of November 2007 that Livery was to be agreed with the trade and implemented by way of Delegated Powers. This did not take place.</p> <p><u>Executive Licensed Drivers</u></p> <p>We believe that all Executive drivers should be allowed to work between organisations. We work well together and are supportive of each other's organisations and this would help significantly with our respective businesses during in high demand periods. We are happy to support the council in implementing a method of control to ensure that Public Safety is not compromised.</p>	<p>Legislation requires that a licence plate is displayed to the front and rear of a licensed vehicle. The Council is willing to consider proposals to alter the appearance & positioning of the existing rear licence plate.</p> <p>Licensing conditions require any licensed driver to inform the licensing section immediately in writing and in any case not more than 72 hours after the event if he / she changes operator. It is essential to the enforcement ability of the council and public safety issues that there is strict adherence to this condition.</p> <p>There is no exception to this condition for Executive Private Hire drivers.</p>	
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	<p><u>Enforcement</u></p> <p>During the initial 2007 consultation LCC clearly established that they understood and could distinguish between VOSA licence conditions and that of PHV Local Authority controlled Licences. Any journey that does not comply with either VOSA or Local Authority conditions is effectively uninsured. We appreciate previous Statements during early meetings by Mr Broster in that such illegal trade providers be advised however it is our belief that providers have and are considering to drive not in accordance with local authority conditions following introduction of £45,000 minimum vehicle value.</p> <p>Existing Lawful LCC Executive Private Hire Operators have and are constantly struggling to compete with unlicensed operators working within LCC Local Authority.</p> <p>Under The Department for Transport's own Taxi and Private Hire Licensing Best Practice Guidance March 2010 (Section 84). It clearly</p>	<p>The Council will consider the possibility of adding more than one operating company to a drivers licence. This would be dependant on legal notification requirements and potential conflicts that may occur in the licensing computer database.</p> <p>This has been an infrequently raised issued. The Councils stance is; please provide information, in confidence, of those Operators operating outside of the legislation and we will take action. Such information has never been provided.</p>	
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	<p>gives directions that effective enforcement activity benefits not only the public but also people in the taxi and private hire trade and it is re responsibility of the Councils to actively seek out those avoiding being legally licensed and not to just concentrate on those that do present themselves for licensing.</p> <p>Following the FOI request by Bill Chard and subsequent answers given by LCC on the 17th December 2010 it is obvious that LCC have the details of established non LCC licensed business's. LCC established and contacted over 200 potential organisations during 2007. It received 21 responses to its initial enquiries and of those 11 organisations attended the first consultation meeting. Of these only 3 Operators MC Chauffeurs, CSC Executive and Ambassador became licensed. During the last 5 years there have been addition entrants to the trade but as of October 2012 Asquiths, Bill Towler and Ambassador have ceased as LCC operators. Other operators have licensed a vehicle but continue to operate other unlicensed or VOSA licensed vehicles that are non compliant.</p> <p>We have over 5 years continually expressed concerns over the lack of enforcement and have been disappointed with the Council response that it is our responsibility to name unlicensed operators. We feel that this approach is a</p>		
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	<p>dereliction of responsibility on the Council's part given that LCC have already gathered details of those who operate without a LCC license. We have known some of the operators over the years and we feel it's unfair to ask us to name some operators and not others who we have not come across. LCC have these details and the number of vehicles they operate through previous investigations.</p> <p>Having looked at Google and Yell this week we have established that there are at least 21 executive vehicle businesses that we believe have around 34 vehicles unlicensed. To conservatively estimate each vehicle doing 5 jobs per week based on 48 weeks a year, this translates to 465,120 journeys since January 2008. It also equates to £45,300 unpaid LCC license fee's excluding CRB, NVQ, Language tests and vehicle badges.</p> <p>We trust the above points are helpful and constructive to you process and assure you of our continued commitment as a LCC Operator.</p>	<p>With reference to companies advertising on Google and Yell; not all of these business' may be based within the Leeds Licensing District and fall within our licensing jurisdiction.</p>	
Executive Private Hire Operator	<p>Just to say that I am anxious that we get a new, and less obtrusive, Badge designed for the Executive Hire vehicles. My own preference, however, is that we should have something similar to Harrogate Council with the details on the Number Plate.</p>	<p>Legislation requires that a licence plate is displayed to the front and rear of a licensed vehicle. The Council is willing to consider proposals to alter the appearance & positioning of the existing rear licence plate.</p> <p>Licensing conditions require any licensed</p>	None

	<p>Secondly, it would be very helpful to smaller Operators, such as myself, if we could use the Services of another driver with an Executive Licence to drive for us on an occasional basis.</p> <p>Looking forward to the Authority approving these points.</p>	<p>driver to inform the licensing section immediately in writing and in any case not more than 72 hours after the event if he / she changes operator. It is essential to the enforcement ability of the council and public safety issues that there is strict adherence to this condition.</p> <p>There is no exception to this condition for Executive Private Hire drivers.</p> <p>The Council will consider the possibility of adding more than one operating company to a drivers licence. This would be dependant on legal notification requirements and potential conflicts that may occur in the licensing computer database.</p>	
Executive Private Hire Operator	<p>With reference to the Taxi and Private Hire Review section 5. Executive Private Hire conditions. I believe further consultation is required with ref to Drivers working for different Executive Operators, Age criteria and executive vehicle costs, and Vehicle licence badge.</p>	<p>The Executive Hire conditions have been issued twice for consultation as part of the Taxi and Private Hire Licensing Sections policy review;</p> <ol style="list-style-type: none"> 1) May – July 2011 & 2) July – October 2012. <p>The latter consultation resulted in the comments contained within this document.</p>	None

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 15th January 2013

Subject: Early Morning Restriction Orders

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

Summary of main issues

1. The ability to make an early morning restriction orders was conferred on licensing authorities on 31st October 2012
2. This report provides details on the legislative process for making an order, and the information the licensing authority could require.

Recommendations

3. That Licensing Committee endorses the minimum level of evidence that will be considered to support an early morning restriction order application.
4. That Licensing Committee approves the process described in this report and illustrated at appendix 1 as the council's process for EMROs.

1 Purpose of this report

- 1.1 To provide information to Licensing Committee on Early Morning Restriction Orders (EMRO) and the process that is required to make one.
- 1.2 To recommend to Licensing Committee that a minimum level of evidence is required and there is a period in which premises in the area can take remedial action before an EMRO is imposed.

2 Background information

- 2.1 The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31st October 2012 and the government has provided guidance as part of the S182 Guidance to Licensing Authorities.
- 2.2 This EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 2.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 2.4 An EMRO:
 - Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
 - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
 - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
 - Applies to the whole or any part of the licensing authority's area
 - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
 - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
 - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

3 Main issues

Initial Request

- 3.1 It is expected that the need for an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate at an Area Committee, residents association or the local NPT. It may come via the Licensing Enforcement Group. It is likely that more than one organisation may be involved in the process.
- 3.2 It is anticipated that the request would be referred to Entertainment Licensing where a designated procedure will be applied to determine if an EMRO is appropriate. 3.3 If appropriate, the proposals would be to refer the request to the Licensing Committee. Members would be supplied with evidence of the the issues being experienced in the area in support of the EMRO. Licensing Committee will need to decide if, on the strength of the evidence provided, that an EMRO is appropriate for the promotion of the licensing objectives, and if further work is to be undertaken to support the case. Members may decide that other measures would be more effective in dealing with the problems, or that licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

Evidence

- 3.4 The Section 182 Guidance to Licensing Authorities states that

“The licensing authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premise licences. The licensing authority should consider the evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine when an EMRO would be appropriate for the promotion of the licensing objectives.”

- 3.5 The guidance then goes on to suggest that the licensing authority may wish to consider the type of evidence it gathers to support a cumulative impact policy. In Leeds we use a variety of sources for evidence including:

- Police evidence of reported alcohol related crime
- Nuisance statistics compiled from complaints made to Environmental Health in relation to noise, odour and litter nuisance
- Data gathered from complaints made the Entertainment Licensing on matters which affect the licensing objectives.
- Anecdotal evidence from residents organisations, ward members and other representatives of people living in a specific area

- Evidence obtained during the public consultation and associated public meetings

3.6 In addition the Guidance suggests other sources of evidence such as

- Health related statistics such as alcohol-related emergency attendances and hospital admissions

3.7 Licensing Committee may wish to endorse the approach that this level of evidence is the minimum it will consider to support an early morning restriction order and should, in part be provided by the organisation or group who are proposing an EMRO should be in force.

3.8

Process

3.9 Once the Licensing Committee is satisfied that an EMRO is required to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of implementing an EMRO will begin.

3.10 The licensing authority should decide on the design of the EMRO. The design should include:

- The days (and periods on those days) on which the EMRO would apply
- The area to which the EMSRO would apply
- The period for which the EMRO would apply
- The date from which the proposed EMRO would apply

3.11 The proposed EMRO must be advertised for at least 42 days. The proposal must be published on the council's website and in a local newspaper. A notice must be sent to all affected people in the area who hold a premises licence or club premises certificate, or people who use TENs or who hold a provisional statement. A notice must be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

3.12 Anyone affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing must be held to consider them. If there are a number of representations, the licensing authority may consider whether to hold the hearing over several days. The hearing must be commenced within 30 working days of the end of the notice period.

3.13 As a result of the hearing the licensing authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended

- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again.

Approval

- 3.14 Once the licensing authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination must be put to full Council for its final decision. Once the EMRO is made, the authority must send a notice to all affected persons and make it available for 28 days on the website.
- 3.15 A variation of a revocation of an order must follow the same process, i.e. gather evidence, advertise, hold a hearing and send the final order to full Council. However an order could be applied for a specified time, and in this case the order ceases to apply on the final day.
- 3.16 Once an EMRO is in place, the licensing authority should update its Statement of Licensing Policy as soon as possible to include reference to the EMRO.
- 3.17 A flowchart of the proposed process is attached at appendix 1.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The EMRO process has a legislative 42 day notice period where the Council must consult with those persons affected by the proposal, including holders of relevant authorisations, partner agencies, neighbouring authorities etc. Those people are able to make a representation and have that representation considered at a hearing.
- 4.1.2 Also in recognition of the serious nature of an EMRO, this report recommends including an additional step where, unless this has already happened, premises are given a period of time to take remedial action.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality impact assessment screening process is undertake on all policy consultations and licensing work. It is not expected that this process would have specific impact on equality, diversity, cohesion and integration matters. There is an opportunity in the process for affected persons to make representation and it is expected that any equality issues could be raised at that time.

4.3 Council policies and City Priorities

- 4.3.1 An Early Morning Restriction Order is a power which is conferred to the licensing authority under the Licensing Act 2003 licensing regime.

4.3.2 The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and value for money

4.4.1 An Early Morning Restriction Order requires significant resources to coordinate the gathering of evidence and the design of the levy. There is also a cost in providing a public consultation, including advertising. There is no licence fee or charge made against the organisation requesting the order, and therefore it is a burden on resources not met under the licence fee.

4.5 Legal Implications, Access to Information and Call In

4.5.1 As an EMRO restricts the use of a licence, and has an immediate effect on licensed premises, it is highly likely that an EMRO will be challenged by way of a Judicial Review.

4.6 Risk Management

4.6.1 A good evidence base, providing the opportunity to change and allowing proper consultation may well go some way to mitigate the risk of Judicial Review.

5 Conclusions

5.1 Making an EMRO is a power conferred on licensing authorities under the Licensing Act 2003. A process is laid out in secondary legislation which should ensure a fair hearing for anyone affected by an EMRO, however there are still significant risk of legal challenge. Good evidence, a clear process and the opportunity to change practices to avoid the implementation of an EMRO may go some way to mitigate that risk.

6 Recommendations

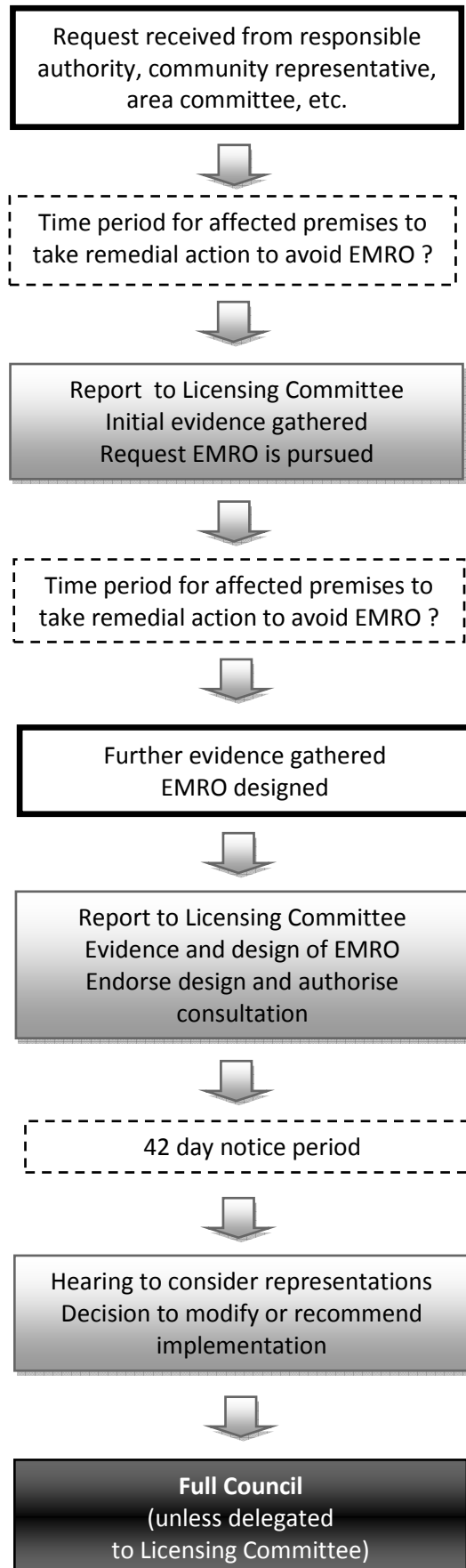
- 6.1 That Licensing Committee endorses the minimum level of evidence that will be considered to support an early morning restriction order application.
- 6.2 That Licensing Committee approves the process described in this report and illustrated at appendix 1 as the council's process for EMROs.

7 Background documents¹

- 7.1 There are no unpublished background documents.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

EMRO Process





Report author: Susan Holden

Tel: 51863

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 15th January 2012

Subject: Home Office Consultation – Alcohol Strategy

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

Summary of main issues

1. The Government has issued a consultation on delivering the Government’s policies to cut alcohol fuelled crime and anti-social behaviour (otherwise known as the Alcohol Strategy).
2. The consultation is being presented to Licensing Committee for comment to inform the response which will be provided either from Licensing Committee or Leeds City Council.

Recommendations

3. That Licensing Committee provides comment on the consultation which will inform the Council’s response.

1 Purpose of this report

- 1.1 To present for consideration of Licensing Committee the Government's consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour.

2 Background information

- 2.1 The Government, through the Rebalancing the Licensing Act reforms brought about changes to tackle binge drinking and the effect it has on communities. The Government is now consulting on a number of further changes to tackle drink fuelled antisocial behaviour and crime.

3 Main issues

- 3.1 The consultation (provided at Appendix 1) seeks views on the following measures:

- Introduction of a recommended minimum unit price of 45p
- Introduction of a ban on multi-buy promotions in the off-trade.
- Review of the existing mandatory licensing condition (irresponsible promotion, free tap water, age verification policies, small measures)
- Introduction of a new health related licensing objective for alcohol licensing related specifically to cumulative impact.
- Introduce the concept of ancillary sales of alcohol and either:
 - Remove the need for a personal licence holder to authorise all sales; or
 - Remove the need for a premises licence
- Allow licensing authorities to determine their own, less burdensome TEN process, i.e.
 - Enable holders of community premises to notify of licensable activities by email or letter
- Increase the number of TENs per year from 12 to 15 or 18
- Introduce local discretion on whether late night refreshment should be licensable by:
 - Exemption of certain areas
 - Exemption of certain types of premises
- Introduce new centrally prescribed exemptions for late night refreshment
- Remove the requirement for a newspaper advertisement
- Deregulate the ban on alcohol sales in motorway service areas
- Remove the requirement to renew a personal licence after ten years

- 3.2 The consultation will run for ten weeks until 6th February 2013. We are preparing a response to the consultation in conjunction with Community Safety and are seeking the views of Members of the Licensing Committee to inform that view.

- 3.3 It is normal practice for Licensing Committee to provide a response to alcohol consultations on behalf of the Leeds City Council. However this consultation has attracted interest from a number of sections within the council, including Community Safety.

3.4 Should the view of Licensing Committee be similar to that gathered by Community Safety it is likely that the responses will be combined to form a Leeds City Council response to the consultation. However if there are wide differences of opinion, it is likely that the response resultant from comments at this meeting will be presented from Licensing Committee, and that Community Safety will provide their own response.

3.5 Due to timescale restrictions it is not possible to present the consultation response to Licensing Committee before submitting it to the Home Office. Therefore it is proposed that a draft response is circulated to Members for comment following the meeting.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This report is about a Home Office consultation which has been widely distributed to other interested parties in Leeds including the health authority and through Community Safety to wider groups in the community. In addition Entertainment Licensing has distributed the consultation through the Licensing Enforcement Group to partner agencies.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 As the consultation, and the response affects all sectors of society there are no specific concerns for equality, diversity, cohesion and integration.

4.3 Council policies and City Priorities

4.3.1 The Licensing Act 2003 Statement of Licensing Policy sets out how the council will perform its functions under the Licensing Act 2003. It is likely that any changes that occur as a result of this consultation may affect the Licensing Policy. A general review of the policy in conjunction with the first raft of changes is currently underway.

4.3.2 The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and value for money

4.4.1 This report requests comments on the Government's consultation and has little effect on resources or value for money.

4.5 Legal Implications, Access to Information and Call In

4.5.1 As this reports recommends that comments are provided to inform the consultation response, there are few legal implications.

4.6 Risk Management

4.6.1 The nature of this report provides very little risk for the council other than reputational. The report proposes that any response proffered with in the name of the Licensing Committee or the Council is distributed to Members before being sent and therefore minimises reputational risk..

5 Conclusions

5.1 This report presents the Government's consultation on the second stage of their Alcohol Policy. Members are asked for their comments which will inform the response which will be circulated before being submitted.

5 Recommendations

6.1 That Licensing Committee provides comment on the consultation which will inform the Council's response.

Background documents¹

7.1 There are no unpublished background documents that relate to this matter.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

LICENSING COMMITTEE WORK PROGRAMME 2012/13- LAST UPDATED 20/12/12 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			
TPHL Policy Review – ongoing review of the policies/conditions	Review timetable was agreed Feb 11, they will return to Committee at the conclusion of the necessary consultation period (to include driver licences nationality & immigration status checks)	D Broster (Sept 2011 – Jan 2012)	DP
Decision Making process suspensions/revocations	To receive an update on the decision making process in respect of suspensions and revocations	J Mulcahy	PR
Temporary Event Notices	To receive a report on the TEN application process	J Mulcahy	PM

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: FRIDAY 25 MAY 2012 held. Annual Gov arrangements/s182 Guidance/Policy WG/SEV Training			
Meeting date: 26 JUNE 2012 HELD NVQ/VRG/Law Commission consultation/CRB renewals/GA2005 Policy/Harehills DPPO			
Meeting date: 24 JULY 2012 HELD WYP presentation/appeals outcomes/SEV & LA2003 policy review WGs/Casino Advisory Panel			
Meeting date: 14 AUGUST 2012 HELD Code of Practice/Enforcement & liaison update/response to Alpha petition/Law Commission Consultation/Leeds Festival 2012			
Meeting date: 11 SEPTEMBER 2012 - CANCELLED			
Meeting date: 16 OCTOBER 2012 - HELD Casino Advisory Panel membership/outcome of consultation on 3 yearly CRBs/outcome of consultation driver training/ Group 1 policy review/Draft Guidance on immediate suspensions			
Meeting date: 13 NOVEMBER 2012 - CANCELLED			
Meeting date: 18 DECEMBER 2012 – no items			
Meeting date: 15 JANUARY 2013			
Alcohol Strategy Consultation	To consider a response to the Governments Alcohol Strategy Consultation	S Holden	SC
EMRO'S	To consider a report on Early Morning Restriction Orders	S Holden	B DP
PH policies (Chauffer & exec vehicles)	Outcome of consultation undertaken	J Mulcahy/K Coldwell	PM

LICENSING COMMITTEE WORK PROGRAMME 2012/13- LAST UPDATED 20/12/12 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 12 FEBRUARY 2013			
Enforcement & Liaison	Update on the work of the Entertainment Licensing Enforcement & Liaison Section	S Kennedy	B
City Centre Policing Update	Discussion on city centre premises, licensing and policing	WYP	B
Large Casino	To receive an update on the progress of the Large Casino	S Holden	PM/RP
LA 2003	To receive an update on the work undertaken by the Licensing Act 2003 Working Group	S Holden	PM/RP
SEV's	To receive and update on the work of the SEV Working Group and report on the consultation process	S Holden	PM/RP
TRAINING	TRAINING SESSION ON THE LARGE CASINO		
Meeting date: 12 MARCH 2013			
Large Casino	To receive an update on the progress of the Large Casino	S Holden	PM/RP
SEV's	To receive an update on the work of the SEV Working Group and report on the consultation process	S Holden	PM/RP
PROPOSED Meeting date: 18, 19 & 20th MARCH 2013 – ADDITIONAL FULL COMMITTEE MEETINGS			
Large Casino	Additional Committee meetings to determine the Large Casino applications		
PROPOSED Meeting date: 25 MARCH 2013 – ADDITIONAL FULL COMMITTEE MEETING			
Large Casino	Additional Committee meeting to announce the decision of the Committee in respect of the Large Casino applications		
Meeting date: 9 APRIL 2013			
Three Yearly CRB renewals	Report on regular renewals of CRBs for Licence Holders	Martino dePlacido/John Mulcahy	DP
Three Yearly Licence Renewals	To receive a report considering the introduction of three yearly licence renewals	J Mulcahy	DP

LICENSING COMMITTEE WORK PROGRAMME 2012/13- LAST UPDATED 20/12/12 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 14 MAY 2013			

Key:
 RP – Review of existing policy DP – Development of new policy PM – Performance management B – Briefings SC – Statutory consultation

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