

Licensing Committee

Tuesday, 11th March, 2014

PRESENT:

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

110 Election of Chair

In the absence of Councillor Charlwood, Councillor G Hyde was elected as Acting Chair

111 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of the inspection of documents

112 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of business to be considered.

113 Late Items

The Committee accepted the inclusion of a late item of business to the agenda "Hackney Carriage Proprietors (HCP) Appropriate Suitability Assessment" (Minutes No.122 refers). Officers reported that the report in question was not available at the time of agenda publication but it was considered to be in the best interests of all parties concerned that the matter be considered without delay

114 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

115 Apologies for Absence

Apologies for absence were received from Councillor Charlwood

116 Minutes

RESOLVED – That the minutes of the previous meeting held on 11th February 2014 were accepted as a true and correct record

117 Communication and Consultation with the Taxi and Private Hire Trade

The Chief Officer Elections, Licensing and Registration submitted a report which provided background information and explained the conclusions of the Licensing Working Group on the issue of communication and consultation with the Taxi and Private Hire trade.

John Kearsley, Chief Officer Elections, Licensing and Registration presented the report and responded to Members questions and queries

Detailed discussion ensued on the contents of the report which included:

- The current arrangements for communicating and consulting with the taxi and private hire trade
- The views of the Licensing Working Group

In offering comment Councillor Dunn welcomed and encouraged engagement with the taxi and private hire trade in an attempt to address issues as they arose.

Councillor Selby asked if a protocol could be introduced similar to the one used in Plans Panel Meeting which allowed interested parties to make their views known.

In responding John Kearsley, the Chief Officer Elections Licensing and Registration said that interested parties already had the ability to make their views known via the Hackney Carriage Trade Forum.

Councillor Hanley sought clarification around the use of co-opted Members onto the Committee

Mary O'Shea, Section Head, Legal Services reiterated the advice of the City Solicitor, as contained in section 3.1 of the submitted report in that; it was not possible to have co-opted Members on Licensing Committee or any Licensing Sub-Committee. The legislation made it clear that the Licensing Committee must consist of between 5 and 15 Members of the Authority.

In response to further queries Mary O'Shea offered to seek clarification on the issues of non-voting co-optees and to circulate the information to Members.

In summing up the Chair requested officers to provide the necessary clarification around the issue of non-voting co-optees

RESOLVED – That the conclusions of the Working Group be noted.

118 3 Year Driver Licences to Private Hire and Hackney Carriage Drivers and Third Party Renewals for Private Hire Driver and Hackney Carriage Driver Personal Licences.

The Head of Licensing and Registration submitted a report which sought Members views on the principle of a 3 Year Driver Licences to Private Hire and Hackney Carriage Drivers and also Third Party Renewals for Private Hire Driver and Hackney Carriage Driver Personal Licences.

Des Broster, Section Head, Taxi and Private Hire Licensing presented the report and responded to Members questions and queries

Detailed discussion ensued on the contents of the report which included:

- Improvements to the I.T.system within the Disclosure and Barring Service (DBS)
- Good service – Proposals
- Financial implications

In offering comment Councillor Khan welcomed the proposals but sought clarification around the financial implications for drivers and could payments be made in instalments.

In responding Mr Broster said the DBS disclosure cost was £65.50 and it could be made in 2 instalments.

RESOLVED

- (i) To accept the principle of '3 year licences' as recommended by the Working Group and approve the release of the proposals to the Private Hire and Hackney Carriage Trade for a one month consultation period.
- (ii) To note and approve the recommendation of the Working Group in respect of third party driver renewals that it is a key public safety measure that all personal licence renewals should be undertaken in person and not by a third party.

119 Arrangements for Licensing Committee Working Group to review Immediate Suspensions for Plying for Hire , Vehicle Age Policy and TPH Licensing Decision Making Framework

The Head of Licensing and Registration submitted a report which sought the establishment of a new Working Group to review the immediate suspensions for plying for hire, vehicle age policy and the TPH licensing decision making framework.

John Mulcahy, Head of Licensing and Registration presented the report and responded to Members questions and queries

Detailed discussion ensued on the contents of the report which included:

- The necessity for the establishment of a new Working Group
- The Policies which should be subject of review
- Membership of the Working Group

In offering comment on the issues to be considered by the Working Group, the Chair suggested that the items listed in Section 2 of the submitted report should be the topics for consideration

RESOLVED –

- (i) That Membership of the Working Group should consist of the following Members: Councillors J Dunn, T Hanley, G Hussain, G Hyde, A Khan, C Townsley and G Wilkinson
- (ii) Items to be considered to include the following:
 - Vehicle Age Policy
 - Immediate Suspension for plying for hire
 - Taxi and Private Hire Licensing Decision Making Framework

120 Licensing Work Programme 2014

Members considered the contents of the Licensing Work Programme for 2014.

RESOLVED – That, subject to the inclusion of any additional items of business identified at this meeting, the contents of the Licensing Work Programme be noted

121 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday 8th April 2014 at 10.00am in the Civic Hall, Leeds

122 Hackney Carriage Proprietors (HCP) - appropriate suitability assessment

The Head of Licensing and Registration submitted a report which informed Members of the legislation applicable to Hackney Carriage Proprietors, the existing policy of the Licensing Committee, legal advice and the recommendation of the Licensing Working Group in respect of an appropriate suitability assessment.

Des Broster, Section Head, Taxi and Private Hire Licensing presented the report and responded to Members questions and queries

Detailed discussion ensued on the contents of the report which included:

- Arrangements for the transfer of a HCP licence upon death of a proprietor
- Concerns from the trade about possible disadvantages to non-English speaking relations
- Equality requirements
- Accountability and public safety
- Financial risk

Councillor Dunn supported the removal of the English speaking condition

Councillor Buckley expressed concern at the removal of the speaking English requirement.

In offering comment Councillor Hussain suggested that any change must comply with the Equality and Human Rights test

Mr Broster, referring to paragraph 4.6.1 (Accountability and suitability) said that appropriate control measures would be put in place including the use of a translation service, at the applicant's expense to ensure an acceptance and understanding of the responsibilities and accountabilities of the licence

RESOLVED – That approval be given to release the proposals to the Private Hire and Hackney Carriage Trade for a one month consultation period.