



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 9TH SEPTEMBER, 2014 AT 10.00 AM

MEMBERSHIP

Councillors

K Bruce	Rothwell
N Buckley	Alwoodley;
R Downes	Otley and Yeadon;
J Dunn	Ardsley and Robin Hood;
B Gettings	Morley North;
T Hanley	Bramley and Stanningley;
M Harland (Chair)	Kippax and Methley;
G Hussain	Roundhay;
G Hyde	Killingbeck and Seacroft;
A Khan	Burmantofts and Richmond Hill;
B Selby	Killingbeck and Seacroft;
C Townsley	Horsforth;
G Wilkinson	Wetherby;
B Flynn	Adel and Wharfedale;
M Ingham	Burmantofts and Richmond Hill;

Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR

John Grieve
224 3836

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 15.2 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 15.2, 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 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 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the last meeting held on held on 5th August 2014</p> <p>(Copy attached)</p>	1 - 6
7			<p>MATTERS ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes.</p>	
8			<p>HACKNEY CARRIAGE PROPRIETORS (HCP) - APPROPRIATE SUITABILITY ASSESSMENT - UPDATE REPORT.</p> <p>With reference to the meeting of 10th June 2014 when the above report was considered. To now consider a further report by the Head of Licensing and Registration which provides clarify around issues of inheritance and the possible effects on a business as a consequence of the Proprietor not speaking English.</p> <p>(Report attached)</p>	7 - 30

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>A PROPOSED POLICY - DIGITAL ADVERTISING SCREENS IN LICENSED VEHICLES</p> <p>To consider a report by the Head of Licensing and Registration which sets out details of a proposal submitted by a digital media company to display advertising and entertainment content on screens fitted in the back of head restraints in licensed vehicles. An application for a variance to existing conditions and policy has also been submitted by a licensed Hackney carriage Proprietor.</p> <p>(Report attached)</p>	31 - 42
10			<p>POLICING AND THE NIGHT TIME ECONOMY</p> <p>To receive a Presentation from PC Catherine Arkle, West Yorkshire Police on the issues of "Policing and the Night time Economy"</p> <p>(Report attached with further information from West Yorkshire Police to follow)</p>	43 - 44
11			<p>LICENSING COMMITTEE WORK PROGRAMME 2014/15</p> <p>To note the contents of the Licensing Committee Work Programme for 2014/15</p> <p>(Report attached)</p>	45 - 48
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Tuesday 7th October 2014 at 10.00am in the Civic Hall, Leeds.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<p>Third Party Recording</p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

This page is intentionally left blank

Licensing Committee

Tuesday, 5th August, 2014

PRESENT: Councillor M Harland in the Chair

Councillors R Downes, B Gettings,
M Harland, G Hussain, G Hyde, A Khan,
B Selby, C Townsley, G Wilkinson, B Flynn
and M Ingham

31 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, the public be excluded from the meeting where Members consider that part of the agenda designated as exempt 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 public were present there would be disclosure to them of exempt information so designated. Appendix B of the report entitled ‘Leeds Festival 2013 Update’ (Minute No.41 refers) is designated as exempt in accordance with paragraphs 10.4 (3,7) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. As such, on this occasion, it is deemed that the benefit of keeping the information confidential is greater than that of allowing public access to it.

32 Late Items

There were no late items

33 Declaration of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interests made at the meeting.

34 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors K Bruce, N Buckley, T Hanley and G Hussain.

35 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 8 July 2014 be confirmed as a correct record.

36 Activity Update: Taxi and Private Hire Licensing 1st January to 30th June 2014

The report of the Head of Licensing and Registration updated the Committee with statistical information regarding delegated decisions taken by officers at Taxi and Private Hire Licensing. The report contained information on decisions taken between 1 January 2014 and 30 June 2014.

The report provided statistics on the following:

- Refusal and Revocation Decisions
- Suspensions
- Complaints
- Appeals

Further information was given regarding appeals that had been upheld and examples of inappropriate behaviour. In response to Member's questions, it was reported that dishonesty offences generally related to theft/left property and that smoking in vehicles when not carrying passengers was still an offence.

RESOLVED – That the report be noted.

37 Information Report - Taxi and Private Hire Licensing Equality Monitoring

The report of the Head of Licensing and Registration provided statistical information on equality monitoring returns to the Taxi and Private Hire Licensing Section.

Issues discussed included the following:

The information was collected when new licence applications were made or when licences were renewed.

The information would be used for equality purposes and for training and testing. The current position of re-licensing vehicles that were over the prescribed age.

RESOLVED – That the report be noted

38 Entertainment Licensing Section - Update Report - January - June 2014

The report of the Head of Licensing and Registration provided Members with an update on matters relating to the Entertainment Licensing Section. The report detailed applications received, reviews and appeals, liaison and enforcement actions and project development.

Issues highlighted from the report included the following:

- The current statement of Licensing Policy was approved by Council in January 2014 and would be reviewed in 2017 for approval in 2018.
- Changes to Cumulative Impact Policies.

- New development in the Lower Kirkgate area – this would see a mix of retail, residential and leisure facilities.
- Local Area Guidance – further to the South Leeds scheme there were similar proposals for Inner East (Harehills) Inner West (Armley) which would bring in control measures for applicants.
- Attention was brought to licensing statistics - there had been 67 recent applications with only 4 being settled at hearings.
- Sexual Entertainment Venues – Members who participated in the recent hearings were thanked and an update was given on the position across the City.
- Gambling Act – Members were made aware of new planning controls that were being proposed and the number of recent applications.

Referring to paragraph 3.6.2 (ii) of the submitted report, it was report that the wording was inaccurate and should be corrected to read as follows:

ii) Ruby May (1) (Deep Blue) and Bean Leisure Trading A Limited (Wildcats)

In response to Members comments and questions, the following was discussed:

- Work with Community Committee Health Champions was suggested to identify further areas that could benefit from having Local Area Guidance.
- Reports of an illegal scrap metal business trading in a residential area – it was reported that this would be an issue for planning enforcement.
- Sale of illegal cigarettes – this was a trading standards issue.

RESOLVED – That the report be noted.

39 Deregulation of Entertainment

The report of the Head of Licensing and Registration advised the Committee of forthcoming changes to regulated entertainment under the Licensing Act 2003 brought about by the Legislative Reform (Entertainment Licensing) Order 2014 (LRO) which was laid before Government in July 2014 and will come into effect in April 2015.

Issues highlighted from the report included the following:

- The order would bring further deregulation to some low risk forms of entertainment.
- Raising the audience number for live music from 200 to 500.

- Exemptions for local authority, health and school buildings.

In response to Members comments and questions, the following was discussed:

- Deregulation for private hire/taxis – it was reported that there had been debate in the LGA Policy Forum. A letter had been sent to Government which would be followed up.
- The Environmental Protection Act would continue to be used for enforcing public nuisance issues.
- Parish and Town Council buildings would be classed as local authority buildings.

RESOLVED – That the report be noted.

40 Licensing Committee Work Programme 2014

Members considered the contents of the Licensing Committee Work Programme for 2014/15.

RESOLVED - That the Licensing Committee Work programme be noted.

41 Leeds Festival 2014 Update

The report of the Head of Licensing and Registration advised Members of the progress of the multi-agency meetings and the Event Management Plan for the 2014 Leeds Festival.

It was reported that the final multi-agency meeting was due to be held and it was confident that all arrangements were in place. With regard to the possibility of inclement weather, Members were informed that there had been discussions with Highways and the Environment Agency and a memorandum of understanding would be in place before the festival. Members were asked to approve the event management plan.

In response to comments and questions, the following was discussed:

It was not thought that there would be a ban on e-cigarettes as they were not classed as illegal, but as with normal cigarettes their use would not be allowed in marquees and tented structures

The event organiser had arranged for additional road sweepers should there be problems with mud.

Drainage improvements had been made.

Members were invited to attend the final inspection before the start of the festival.

RESOLVED –

(1) That delegated authority be given to the Head of Licensing and Registration to approve the Event Management Plan prior to the start of the Event.

(2) That delegated authority be given to the Head of Licensing and Registration to approve any minor amendments to the Event Management Plan prior to the start of the event.

42 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 9th September 2014 at 10.00 a.m. in the Civic Hall, Leeds..

This page is intentionally left blank



Report author: Des Broster

Tel: 3781561

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9 September 2014

Subject: Hackney Carriage Proprietors (HCP) – appropriate suitability assessment – update report.

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. The Council has in place an approved policy for dealing with the transfer of HCP licences which applies a suitability requirement in respect of a Disclosure and Barring Service (DBS) convictions check and an English language comprehension assessment.
2. Representations have been made by the Hackney Carriage trade that the English comprehension requirement should be removed on the basis that when a HCP dies the widow could be excluded from taking over the proprietorship because of a lack of English language skills.
3. A Licensing Committee Working Group (WG) was formed which consulted with the trade and Officers as well as obtaining legal advice. The WG were advised that the initial proposal from the trade, that the English comprehension requirement be removed only from the wives of Hackney carriage Proprietors, would be in conflict with equality legislation.
4. Following discussion at the Licensing Committee on the 10 June 2014, Members asked for clarity on the ‘inheritance issues’.
5. For ease of reference the original report outlining all of the issues appears at **Appendix 1**.

Recommendations

6. In addition to the updated information that Members consider all the elements of the previous report, the potential impact on licensing regulation, enforcement and administrative control along with the legal implications and determine whether the policy should :-
 - (a) Remain in line with the recommendations of the earlier Licensing Committee.
 - (b) The English comprehension requirement be removed only in respect of Hackney carriage proprietors.
 - (c) The policy is amended to enable a longer lead in period to attain the English comprehension requirement for the wife or partner when they have been included on the Proprietors licence.
7. If Members elect to change the policy in favour of recommendation 5(b), that they approve the change in principle and direct Officers to prepare a report for the consideration of the Executive.
8. Whichever option Members approve, that they direct Officers to write to every Hackney Carriage Proprietor to offer appropriate advice about the decision.

1 Purpose of this report

- 1.1 To supply Members with further information on issues raised at Licensing Committee on 10 June 2014 when the full report was presented.

2 Background information

- 2.1 Members will recall that there was a wide discussion on the issue with a number of views aired in the full Licensing Committee meeting.
- 2.2 Resulting from the fullness of these discussions regarding the impending changes to the interpreting services, the extent of responsibilities of proprietors, issues around inclusivity and the amount of access there was to language classes, that further consideration should be given by Officers to re-presenting the policy in a way that did not damage the business or future plans of the dependants of proprietors.
- 2.3 Members also asked that the report clarify issues around inheritance and the possible effects on a business as a consequence of the Proprietor not speaking English.

3 Main issues

- 3.1 **Inheritance:** Wills, probate, and inheritance issues are matters of private law and therefore are not matters that public sector lawyers deal with or are required to have expertise in. Whilst a will is a legally binding document recording a person's wishes for the distribution of their assets upon death, it can be subject to challenge by family members. Likewise a person dying leaving no will can also create uncertainty and give rise to disputes from family members.
- 3.2 The option available for Members to consider which would avoid all of the concerns around wills and inheritance disputes would be for the Proprietor to place their spouse or civil partner on the Proprietor's licence at the earliest opportunity. On the death of a proprietor the Council would only deal with the remaining licensed proprietor.
- 3.3 It was also highlighted that this simple measure can enable the time constraints of the current policy to be extended because the Council could be satisfied that the existing Proprietor can meet all of the legal obligations and policy requirements.
- 3.4 If the existing requirement in respect of English comprehension was relaxed, it would enable the prospective or new joint Proprietor to be included on the Proprietors licence and be able to take more time to attain the ESOL level standard. Previous discussions with the Hackney Carriage trade have indicated that a period of six or nine months would satisfy this.
- 3.5 The consequences of a Proprietor not speaking English can the following effects.
- The licensing functions of the Council can be difficult to meet when English is not understood.

- Arrangements for meetings with Officers face obvious difficulties with communications.
- There is significant cost involved in supplying an authorised interpreter.
- On a daily basis the Proprietor would have to place their trust in someone who could advise them impartially on issues arising.
- If they sought assistance from a business agent or solicitor they could face high costs for managing their business.
- The Council does not translate legal documents into foreign languages because of the complexity of strictly interpreting the exact meaning of the legislation.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The WG met on the following occasions for the purpose indicated:-

25/6/13	Initial planning meeting.
31/7/13	Meeting with Hackney Carriage trade.
15/10/13	Meeting with Elected Members.
15/11/13	Meeting with Private Hire trade.
12/2/14	Working Group considerations of the consultation, legal advice and Officer comment.
17/2/14	Formulation of final considerations.

4.1.2 Public and trade consultation has taken place for one month. There were two forms of feedback, one from the Council's website and the other from the organised collection of pre-prepared questions on the taxi rank by someone, we are unsure who but think it was a taxi marshal. Clearly the main responses have been from the HC trade but Members will note that there has also been some limited feedback to say that this is not an area of concern but opposing concerns also. Clearly the comments are from directly opposing schools of thinking on this subject and it is for Members to balance the self-interest viewpoint of the Hackney Carriage trade and the other consultation responses and the observations of Officers.

4.1.3 Please refer to the consultation forming part of original report.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality Screening Assessment has been completed and is available as a background document. There are no contra indicators to this being acceptable practice in terms of equality.

4.3 **Council policies and City Priorities**

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

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

4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 **Resources and value for money**

4.4.1 Set out in previous report but Members are asked to consider the only potential problems around intestacy law.

4.5 **Legal Implications, Access to Information and Call In**

4.5.1 Set out at 4.5.1 – 4.5.3 in Appendix A of earlier report.

4.5.2 As this is a policy document the route of appeal is by way of Judicial Review and similarly other policies may fall within that arena if Members choose to apply this policy in an exclusive way.

4.6 **Risk Management**

4.6.1 There are several challenges which would need to be safely managed at the adoption of the policy and in the long term:-

Accountability and public safety

The following paragraph is reproduced from the original report so that the reality of non-compliance is not lost on the trade.

'Members were insistent that this position could not be compromised on the basis of an argument of lack of knowledge, understanding or control of the driver of the vehicle. Where there were such proven issues the licence should be revoked and returned to the Council. It was felt by Members that this statement and the control measures in the policy would be sufficient to ensure proportionate control of the licence. The policy would also make very clear to Proprietors the absolute necessity to adhere to all the responsibilities of the Proprietors licence and the consequences of failing to do so.'

5 Conclusions

5.1 Members will note that the original well intentioned request might now have much wider implications for service provision and the report has to deal with three distinct issues. Firstly, the arrangements for the transfer of a HCP licence upon the death of a Proprietor and the English language requirement.

5.2 Secondly, how government driven policies to promote English language comprehension on the basis of inclusivity might be viewed.

5.3 Thirdly, the potential impact of the licensing section and translation services.

5.4 The issue is much wider than first thought by the trade and Members have to balance all of their licensing responsibilities, considerations of the Service against those examples presented by the trade of lack of opportunity or disadvantages to non- English speaking relations.

6 Recommendations

6.1 In addition to the updated information that Members consider all the elements of the previous report, the potential impact on licensing regulation, enforcement and

administrative control along with the legal implications and determine whether the policy should :-

- (a) Remain in line with the recommendations of the earlier Licensing Committee.
- (b) The English comprehension requirement be removed only in respect Hackney carriage proprietors.
- (c) The policy is amended to enable a longer lead in period to attain the English comprehension requirement for the wife or partner when they have been included on the Proprietors licence.

6.2 If Members elect to change the policy in favour of recommendations 5(b) that they approve the change in principle and direct Officers to prepare a report for the consideration of the Executive.

6.3 Whichever option Members approve of, that they direct Officers to write to every Hackney Carriage Proprietor to offer appropriate advice about the decision.

7 Background documents¹

Equality impact assessment.

Town and Police Clauses Act 1847 Sections 43, 45 - 55

Local Government (Miscellaneous Provisions) Act 1976 Section 47, 49, 50, 57, 58, 60, 66, 68, 69, 71, 72, 73.

LCC Byelaws

LCC conditions attached to HC Proprietors licence 1-15

LCC Hackney Carriage vehicle conditions

LCC conditions attached to a Wheelchair Accessible Hackney Carriage Proprietor licence 1 -9

LCC Special conditions attached to the grant of a Wheelchair Accessible vehicle Hackney Carriage vehicle licence

Equalities Act 2010 Sections 163, 165, 166, 168

Licensing Committee report and minutes – 11 March 2014

Working Group minutes

Interpreting and Translating Services – Policy and Procedures

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.

Scrutiny Board (Resources and Council Services) report and minutes– 7 April 2014.



Report author: Des Broster

Tel: 3781561

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 10 June 2014

Subject: Hackney Carriage Proprietors (HCP) – appropriate suitability assessment.

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. The Council has in place an approved policy for dealing with the transfer of HCP licences which applies a suitability requirement in respect of Disclosure and Barring Service (DBS) convictions check and an English language comprehension assessment.
2. Representations have been made by the Hackney Carriage trade that the English comprehension requirement should be removed on the basis that when a HCP dies the widow could be excluded from taking over the proprietorship because of lack of English language skills.
3. A Licensing Committee Working Group (WG) was formed and it consulted with the trade, Officers and obtained legal advice. The WG has been advised that the initial proposal from the trade that the English comprehension requirement be removed only from the wives of Hackney carriage Proprietors would be in conflict with equality legislation.
4. This has resulted in a recommendation by the WG to the Licensing Committee that the English comprehension requirement be removed for all HCP's.

Recommendations

5. That Members consider all the elements of the report, the potential impact on licensing regulation, enforcement and administrative control along with the legal implications and determine whether the policy should :-
 - (d) Remain in line with the recommendations of the earlier Licensing Committee.
 - (e) The English comprehension requirement be removed only in respect Hackney carriage proprietors.
6. If Members elect to change the policy in favour of recommendations 5(b) that they approve the change in principle and direct Officers to prepare a report for the consideration of the Executive.

1 Purpose of this report

- 1.1 To inform Members of the legislation applicable to Hackney Carriage Proprietors, the existing policy of the Licensing Committee, legal advice and the recommendation of the WG.

2 Background information

- 2.2 The role of the HCP is distinct from that of a HCD or PHD in that they do not have to drive the vehicle, but they are accountable for a wide range of statutory responsibilities, Byelaws and Council conditions. In effect they are responsible for the safety of the vehicle, controlling drivers, some relationships with the public, and responding to the Council when it requires certain statutory actions, for example, complying with vehicle inspections as well as providing information and meeting general licensing requirements.
- 2.3 The extent of the legislation and conditions is set out at paragraph 7 of this report, 'Background documents'.
- 2.4 Licensing and Regulatory Panel on 7 February 2006, determined that every PHD, PHO, HCD and HCP should, within certain terms, undertake English comprehension testing. For reference, the relevant extract of that report is attached at **Appendix 1**.
- 2.5 The administrative process of transferring a HCP licence undertaken by Officers has operated over those intervening years and sympathetic consideration has been applied to individual circumstances in order that decisions can be taken by families beyond the grieving period. This enables potential new proprietors to undertake English comprehension training in line with the UK Citizenship standard.
- 2.6 Licensing Committee agreed that the policy be referred to a WG to consider the removal of the English comprehension requirement on the basis that when a HCP dies some widows could be excluded from taking over the proprietorship because of lack of English language skills.
- 2.7 Following the formation of the WG full consultation was undertaken with the trade. Officers highlighted the issues of concern, the legislation and legal advice was offered by way of guidance and to clarify the variety of ideas which had been proposed on how the formal transfer of the HCP licence could be managed and the licensing responsibilities properly managed by the HCP after transfer.

3 Main issues

- 3.1 The usual 'fit and proper' person test does not totally apply to a HCP licence as there is no necessity for a Proprietor hold a DVLA licence. However, because of the potential links between having control of a HCV and criminal activity, Proprietor responsibilities and the extent of legislation covering the role of a HCP a DBS check and English comprehension requirement was placed upon the grant of a HCP licence. That is referred to at **Appendix 1**.

- 3.2 The representation made to the Council was that some non-English speaking wives of HCP's could be financially disadvantaged by not receiving on-going income from the use of the licensed vehicle upon the death of the Proprietor.
- 3.3 During the WG consultation process Members listened to a range of views, considered the legal implications, the concerns of Officers and balanced those with a recommendation which was considered to be proportionate and fair to the trade and the removal of the pre-requirement for HC Proprietors would then be in line and consistent with current policy for PH Proprietors. It was from those observations that the policy proposal was formed.
- 3.4 Members should note that the policy cannot apply solely to a 'widow' as requested by the trade. In order to meet Equality requirements it must apply to any spouse or civil partner of a HCP. Additionally, it would be discriminatory to apply the policy to women only or those who do not have a recognised legal partnership. The scope of the change would have to apply significantly beyond the trades request and to all HCP's. Attention is drawn to paragraph 4.6. Risk Management.
- 3.5 An amended policy is shown at **Appendix 2** which sets out the process steps for every HCP, not just in the event of a death of a HCP.
- 3.6 Officers commented in the WG meeting that the existing policy had not raised a notable problem and that discretion had been exercised in allowing time to achieve ESOL level 3, the UK Citizenship standard. The original request was not as extensive as it is now and some of the trade wanted the timescales to achieve this standard extended up to a maximum period of 1 year. It was also only requested that it be in place upon the death of the Proprietor but it is difficult to see how it would be defensible to apply a policy in such a restrictive way; it would in effect produce dual standards.
- 3.7 There is a simple solution to the concerns of some trade members in that they can place their wife, partner or any other relation on the Proprietors licence now, as a joint HCV Proprietor and the policy can then reflect a more relaxed time scale to the English comprehension requirement. This is legally acceptable and is quite common in respect of other HCP licences now with other business or family relationships. This also resolves the difficult issue of resolving differing claims that sometimes occur with estate matters in wills.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.2 The WG has met on the following occasions for the purpose indicated:-

25/6/13	Initial planning meeting.
31/7/13	Meeting with Hackney Carriage trade.
15/10/13	Meeting with Elected Members.
15/11/13	Meeting with Private Hire trade.

12/2/14 Working Group considerations of the consultation, legal advice and Officer comment.

17/2/14 Formulation of final considerations.

4.1.2 Public and trade consultation has taken place for one month. There were two forms of feedback, one from the Council's website and the other from the organised collection of pre-prepared questions on the taxi rank by someone, we are unsure who but think it was a taxi marshal. Clearly the main responses have been from the HC trade but Members will note that there has also been some limited feedback to say that this is not an area of concern but opposing concerns also. Clearly the comments are from directly opposing schools of thinking on this subject and it is for Members to balance the self-interest viewpoint of the Hackney Carriage trade and the other consultation responses and the observations of Officers.

4.1.3 **Appendix 3** contains all of the feedback comments.

4.2 **Equality and Diversity / Cohesion and Integration**

4.2.3 An Equality Screening Assessment has been completed and is available as a background document. There are no contra indicators to this being acceptable practice in terms of equality.

4.3 **Council policies and City Priorities**

4.3.4 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,

- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

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

4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 **Resources and value for money**

4.4.1 The transfer process has to take place in any event and the responsibility for making the necessary arrangements will rest with the transferee in which case there would be additional costs and service time. That service time would probably extend to 3 hours. If this was an infrequent event it could be managed with existing resources. The proposed policy reflects the view of the WG to reduce the element of financial risk to the section.

4.5 **Legal Implications, Access to Information and Call In**

4.5.1 The context of equality law moved the original intention of the trade request to much wider parameters and the background to that is set out at 3.4. Paragraph 3.6 also refers to the risks of restricting a policy unfairly to one small part of the trade that could be unfairly exclusive.

4.5.2 Although the relevant legislation for which HCP's have to be compliant is mentioned in background documents at paragraph 7, Members may wish to view the extent of the relevant legislation and that will be available within the Committee meeting if required.

4.5.3 The legislation around who is the lawful Proprietor is not based just on Council licensing records but on who owns the licensed vehicle. For clarity, the Proprietors licence (the plate) is placed on the vehicle and the law is quite specific; the plate follows the vehicle. If the vehicle is sold then the Proprietor's licence goes with it. The obvious difficulty is overcome by Proprietors purchasing a new vehicle and transferring the 'plate' to that before then selling the unlicensed

old vehicle. The Council is obliged in law to transfer the licence to the person who can demonstrate they are the registered keeper.

4.6 Risk Management

4.6.1 There are several challenges which would need to be safely managed at the adoption of the policy and in the long term:-

Accountability and public safety

Members were insistent that this position could not be compromised on the basis of an argument of lack of knowledge, understanding or control of the driver of the vehicle. Where there were such proven issues the licence should be revoked and returned to the Council. It was felt by Members that this statement and the control measures in the policy would be sufficient to ensure proportionate control of the licence. The policy would also make very clear to Proprietors the absolute necessity to adhere to all the responsibilities of the Proprietors licence and the consequences of failing to do so.

Control measure

At the point of transfer Officers will serve upon the new proprietor the relevant legislation which will be summarised by the interpreter.

The interpreter and Proprietor will each sign statement of understanding detailing what has taken place. This will be an acceptance and understanding of the responsibilities and accountabilities of the Proprietor. It will also set out the consequences of non-compliance to conditions, byelaws or breaches of legislation, or a failure to exercise management or control of the vehicle or driver.

Financial risk

- 1) There was potential for some limited financial risk to the Council by interpreting fees not being paid and it would not be an acceptable proposition to expect the Council to recover such costs through a civil debt procedure. The WG insist that this cost should be met by the individual non English speaking HCP or HCP applicant.
- 2) The engagement with a HCP for all licensing matters would also necessarily involve the Interpreting Services and the WG insist that this cost should be met by the individual non English speaking HCP or HCP applicant.
- 3) Refer to 4.5.4 also

Control measure

- 1) A potential solution is that organised meetings are given time parameters and a schedule of hourly costs obtained from the Interpreting Services in advance. This would enable the interpreting fee to be paid immediately to the Taxi & Private Hire Licensing Office at the time of transfer or other procedure which could then be re-directed by internal budgets to the Interpreting Service.

- 2) The existing transfer administration fee would also need to be increased in such cases and reflected in the extended timescales for the transfer process as would all of the other licensing functions.

Extent of change impact

To date the number of events involving non English speaking transferees has been minimal but if the practice was to be taken up on a wider basis and further develop into other areas of licensing there could be adverse impact upon proposed training initiatives, enforcement investigations and licensing administration functions. This potential cannot be measured at this time.

Legal challenge

As this is a policy document the route of appeal is by way of Judicial Review and similarly other polices may fall within that arena if Members choose to apply this policy in an exclusive way.

5 Conclusions

- 5.1 Members will note that the original well intentioned request might now have much wider implications for service provision and the report has to deal with three distinct issues. Firstly, the arrangements for the transfer of a HCP licence upon the death of a Proprietor and the English language requirement which is dealt with at **Appendix 2**.
- 5.2 Secondly, how government driven policies to promote English language comprehension on the basis of inclusivity might be viewed.
- 5.3 Thirdly, the potential impact of the licensing section and translation services.
- 5.4 The issue is much wider than first thought by the trade and Members have to balance all of their licensing responsibilities, considerations of the Service against those examples presented by the trade of lack of opportunity or disadvantages to non-english speaking relations.

6 Recommendations

- 6.1 That Members consider all the elements of the report, the potential impact on licensing regulation, enforcement and administrative control along with the legal implications and determine whether the policy should :-
 - (a) Remain in line with the recommendations of the earlier Licensing Committee.
 - (b) The english requirement be removed only in respect Hackney carriage proprietors.
- 6.2 If Members elect to change the policy in favour of recommendations 5(b) that they approve the change in principle and direct Officers to prepare a report for the consideration of the Executive.

7 **Background documents²**

Equality impact assessment.

Town and Police Clauses Act 1847 Sections 43, 45 - 55

Local Government (Miscellaneous Provisions) Act 1976 Section 47, 49, 50, 57, 58, 60, 66, 68, 69, 71, 72, 73.

LCC Byelaws

LCC conditions attached to HC Proprietors licence 1-15

LCC Hackney Carriage vehicle conditions

LCC conditions attached to a Wheelchair Accessible Hackney Carriage Proprietor licence 1 -9

LCC Special conditions attached to the grant of a Wheelchair Accessible vehicle Hackney Carriage vehicle licence

Equalities Act 2010 Sections 163, 165, 166, 168

Licensing Committee report and minutes – 11 March 2014

Working Group minutes

Interpreting and Translating Services – Policy and Procedures

Scrutiny Board (Resources and Council Services) report and minutes– 7 April 2014

² 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.

Extract of Report

Report of the Director of Legal & Democratic Services

To the Licensing and Regulatory Panel

Date: 7th February 2006

Subject: Knowledge Testing for the Private Hire and Hackney Carriage Trade – Supplementary Report (English literacy, language & numeracy skills).

1.0 Purpose Of This Report

1.1 To enable Members to consider the introduction of testing of English literacy, language and numeracy skills to an approved standard before licences are issued by the Taxi and Private Hire Licensing Section to drivers, Operators and Proprietors.

2.0 Background Information

2.1 The Council issues licences to Hackney Carriage Proprietors and drivers and to Private Hire Operators and drivers. There are standard tests applied prior to the grant of a licence to assess the suitability of the applicant, and thereafter there are Conditions, Byelaws and various other acts of Parliament controlling the conduct of licence holders. There is no element (other than ability to pass a driving test) in any of these controls which reflects on a licence holders ability to read, write and speak English or use basic mathematics.

2.2 In 2003 when Scrutiny Board (Central and Corporate functions) reviewed the Council policy in respect of the issue of additional Hackney Carriage Proprietor licences, several concerns were expressed by Members of their own experiences in respect of licence holders who had difficulty in speaking English. Officers would add weight to those concerns from their experiences of applicants or existing drivers where speaking or understanding English was quite clearly a difficulty in some cases. Similar concerns have been expressed by the trade and the public contacting the Licensing Section.

2.3 In recent years the Government has recognised the need to increase the vocational skills of the workforce and improve the nation's literacy and numeracy skills. A national strategy was launched by the Government in autumn 2000.

2.4 On Tuesday 10th January 2006 the Licensing and Regulatory Panel approved, in principle, the introduction of knowledge testing and customer service commitments for the trades (draft minute 68 refers). Part of the range of skill requirements approved for training and testing the Hackney carriage and Private Hire services was English comprehension and numeracy.

3.0 Main Issues

3.1 Who it affects

The key proposal of this report is that all applicants for an issue of a Hackney Carriage Proprietor or driver or a Private Hire Operator or driver licence satisfy the Council they can speak, read or write English and are sufficiently numerate to enable them to function in their role.

It is proposed that current licence holders are exempted from the requirements to meet this standard unless there is a reasonable cause to believe it should apply to them; for example, a substantiated public complaint or an expressed concern which was considered reasonable.

3.2 The testing standard

Officers have consulted widely to develop an appropriate scheme which meets the needs of the Council, public expectation, is complementary to the Government adult education program, and beneficial to the individual.

4.0 Implications For Council Policy And Governance

4.1 It is considered that the introduction of such testing would not only contribute to the singular aspect of 'customer care' within the trades but would complement a range of issues within the Councils plan and vision. Better to make reference to them if we can

4.2 The whole of this process has been monitored by the Council's Equalities Team who approve of how the process is undertaken, the marking structure and its relevance to the service provided.

5.0 Legal And Resource Implications

5.3 Members are informed that this proposal is one of a number being prepared which are intended to create an entry level to the trades which is commensurate with the standards of customer care and safety and compliance with the law necessary to safely

Vehicle Transfer Policy: Who does my Hackney carriage licence transfer to in the event of my death?

Legislation requires written authorisation before a Hackney carriage proprietor licence can be transferred. You must therefore either have a legally binding Will in place or have notified Leeds City Council of who you intend to transfer your licence to in the event of your death.

I want to transfer the licence to my spouse but they don't speak English very well. How will the transfer process work?

On notification of the death of a licensed proprietor, the Licensing Office will contact the proprietor's Association, where known, and also the family to arrange a meeting to explain the process.

Is there a charge for this?

Yes. The fees may change so you need to check with the licensing office. The policy directs that where a party does not have English comprehension skills to ESOL level 3 that an interpreter from the Council's Interpreting and Translation Service must attend the transfer process and any training at the applicant's expense.

An estimate of time for the transaction and training will be given and this must be paid before the process takes place.

Will the proposed new owner have to undertake a DBS check?

Yes, the new owner must pay the current fee and complete a DBS check before the transfer can take place.

Where any party or an Authorised Officer considers it appropriate, an interpreter will attend at the time of transfer. Any translator requirements, including costs, are the responsibility of the proposed proprietor. Due to potential legal challenges it is appropriate that the translation service is provided by the Council's preferred service.

How can I let you know who I nominate to transfer the plate to?

You can update details of your nominee at any time by informing the Taxi and Private Hire Licensing Section in writing.

You must provide the full name and date of birth of the person you wish to transfer the Hackney carriage proprietor licence to, their full address and their relationship to you.

I am a joint proprietor; can I nominate my share to go to the other proprietor?

In the case of joint proprietors, it is acceptable for them to nominate each other to transfer their share of their plate.

What happens if the information in my Will does not match the information held on my licence file?

In the case of any conflicting claims the vehicle licence will return to the Council to be re-issued.

Will I be reminded to provide this information?

The licence renewal letter will include a reminder for you to update this information. We will keep this information stored on your licence file to be used in the event of your death. Please remember this is your responsibility

I don't know who I want to transfer the licence to... what should I do?

If you haven't yet thought about whom you would transfer your Hackney carriage licence to, now should be the time to do so and you are advised to take legal advice.

If you don't have a will and we do not have a record of your written nomination in place, in accordance with this policy, the proprietor licence will return to the Council to be re-issued. We will ask you to sign a declaration at the time of your next renewal to say you understand that this will happen.

Proprietors are advised that they can include a person of their choice on the licence as a joint proprietor at any stage, subject to a Disclosure and Barring Service check.

Why do you require a signed declaration?

Councillors have recognised that the legal responsibilities of proprietorship are important and these cannot be compromised on accountability.

Leeds City Council must be satisfied that the proposed proprietor understands all terms and conditions of the licence and we will require a signed declaration to this effect.

Any proposed new proprietor, whatever the level of their English comprehension skills, is liable to have their licence revoked on issues of non-compliance so it is extremely important that they fully understand the conditions and legislation surrounding the grant of their licence.

The Taxi and Private Hire Section received 68 survey responses from members of the Hackney carriage trade. These did not originate from the Section and it is assumed that they were distributed by the JTC.

	Yes	No	No response
Do you think every plate holder should pass the English test?	23.5%	70.6%	5.9%

	Yes	No	No response
Do you think plate holders that only drive should pass the English test?	75.0%	22.1%	2.9%

	Yes	No	No response
Do you think that plate holders who do not drive should be exempt from English requirement?	69.1%	30.9%	0.0%

However, there are some anomalies that must be highlighted within these results.

Of the 16 respondents who indicated 'Yes' to every plate holder should pass the English test, the following percentages were recorded as 'Yes' responses for the remaining questions;

	Only plate holders that drive	Plate holders who do not drive exempt
Do you think every plate holder should pass the English test? YES	63%	31%

This confuses the results as although these respondents state that every plate holder should pass the English test, 63% (10) went on to indicate that only plate holders who drive should undertake the test. And 31% (5) of the 16 respondents indicated that plate holders who did not drive should be exempt from the English test.

Of the 48 respondents who indicated 'No' to every plate holder should pass the English test, the following percentages were recorded as 'Yes' responses for the remaining questions;

	Only plate holders that drive	Plate holders who do not drive exempt
Do you think every plate holder should pass the English test? NO	81%	81%

These respondents indicated that not every plate holder should pass the English test; 81% (39) went on to specify that plate holders that drive should undertake the test but also stated that plate holders who do not drive should be exempt from the test.

The following comments were recorded amongst the survey returns:

* Or demonstrate the recognised UK education qualification eg. GCSE/O level etc. All plate holders should be able to demonstrate competence in the English language.

The following feedback was received from licensed drivers via the Taxi and Private Hire Section's email account:

* It should be clear to every one that being able to speak and understand english is a must if you are a taxi driver working in Leeds as for owning one that is completely different as long as you have access to an interpreter and do not drive the vehicle

* Regards to the transfer of the taxi licence after the death of a driver it should be given to the the next of kin. For Example to the wife or children's regardless whether they can speak English or not. What does the English language got to do with holding a taxi licence. If you are saying about English language that means you're targeting communities who speaks little or no English where is equal opportunities policy gone.

The following feedback was received from Elected Members via the Taxi and Private Hire Section's email account:

* I understand that The Council has in place an approved policy for dealing with the transfer of Hackney carriage proprietor licences which applies a suitability requirement in respect of Disclosure and Barring Service (DBS) convictions check and an English language comprehension assessment. I also understand that representations have been made by the Hackney carriage trade that the English comprehension requirement should be removed on the basis that when a proprietor dies, the widow could be excluded from taking over the proprietorship because of a lack of English language skills. I am strongly opposed to removing or diluting the English language requirement.

* I feel it is essential that all taxi drivers should have a sound competence in the English Language. In Spain the taxi drivers speaks Spanish irrespective of where they come from. Germany is the same. An anomaly like a wife not being able to take over a business in the event of her husband's death or retirement seems a non sequitur. If all drivers have to be English Speaking she cannot be a driver but who owns the business is a different matter

* I wish to register my view that the English language comprehension assessment should be retained in the policy. This element should be retained when considering the proprietor licence.

The following feedback was received from Eurocabs via the Taxi and Private Hire Section's email account:

* I am not surprised but appalled that licensing officers did not attach the actual next of kin policy as approved in September 2007, to the policy document presented as part of the proposed policy document to the Licensing Committee on 11th March 2014. Instead the policy attached was just the English requirement policy as approved in February 2006. In legal terms any policy agreed some considerable time after the first policy instantly replaces the first policy unless there is clear and precise points that have not been changed or it is clearly noted under what circumstances the policy does apply or not apply.

As there are such points noted in the policy document approved in September 2007 Eurocabs members want that policy which is the latest approved next of kin policy and therefore has to be deemed as the "current policy" to remain in that format and the Licensing officers should work to that policy.

This document does not state that there is a requirement that the vehicle proprietor must pass an English Literacy Test. Instead it states that "In the opinion of the authorised officer dealing with the transfer, if an interpreter is needed by one or both parties then one should be provided from the council's approved list and the cost must be paid by the person requiring the interpreter".

When I stated this point in the working group meeting Mr Brosters reply was that "there is an error in the policy document" If that is the case why didn't Mr Broster or other legal officers identify this error when the policy was approved and it has taken them nearly 6 years to notice this error. These officers do not pass their own standards of being "fit and proper" to carry out their duties in an efficient and responsible manner as is required from licenced drivers and operators.

The English language requirement should only apply to proprietors that will be driving and they will have to go through the full driving licence applications procedure as required by any Private Hire and Hackney Carriage driver applications.

Further safeguards for the travelling public are that, it is the driver's legal duty to ensure that any vehicle he/she is intending to drive is safe, legal and fit for purpose. This means that all the documents like the vehicle licence, insurance, MOT, their badge are all current and valid. Vehicle check must then be carried to ensure that all tyres are within the safety limits and are legal, all the brake systems are working, all fluids like brakes, engine oil and radiator fluid are to the required levels. Any driver failing to ensure that these checks are carried out could end up losing their HC licence and could have points or fines on their driving licence or could be banned from driving any car depending on the level or seriousness of the offence or offences.

This page is intentionally left blank



Report author: Des Broster

Tel: 0113 3781561

Report of **Head of Licensing and Registration**

Report to **Licensing Committee**

Date: **9 September 2014**

Subject: **A proposed policy – digital advertising screens in licensed vehicles**

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 Council has an existing policy in respect of ‘Corporate Livery’ on wheelchair accessible vehicles. That policy controls the type of advertising to ensure it matches the principles of the Advertising Standards Agency and the Corporate image of Leeds City Council.

2. An application has been made by a licensed Hackney Carriage driver to extend the scope of corporate advertising by fitting digital media screens in a licensed vehicle. The technology, the scope of advertising and changes to the various policies and conditions would need the approval in principle of the Licensing Committee and final approval by the Executive.

3. The main issues in considering the application are the use of screens in licensed vehicles are attendant safety issues in how they are fitted, the scope of media advertising and the impact upon existing policies and conditions.

Recommendations

4. That Members note the information in this report and consider whether to approve in principle this policy proposal along with the control measures identified in the body of the report. If Members do approve they should direct officers to prepare a report for the consideration of the Executive to approve.

1 Purpose of this report

- 1.1 A proposal has been submitted by a digital media company to display advertising and entertainment content on screens fitted in the back of head restraints in licensed vehicles. An application for a variance to existing conditions and policy has been submitted by a licensed Hackney carriage Proprietor.
- 1.2 It should be noted that such a policy would not be approving this supplier for sole provision of this type of service or equipment in vehicles; the policy will allow any supplier of similar technology to approach licensed vehicle proprietors with their proposals. This report provides the necessary controls and framework that all suppliers and proprietors must meet.

2 Background information

- 2.1 There is an existing relative policy in respect of Corporate advertising and that policy requires that the Corporate advertisement which covers the whole of the vehicle is approved and the subject of control measures. Members will note the reference in information from the proposing company, in this case DigiCAB Media, that they also supply exterior advertising but will not allow the digital screen product to be fitted to licensed vehicles that has existing corporate advertising that does not match with their products. In effect this means there must be a 'trade off' by a licensed driver, who cannot have both corporate advertising and this product unless the 'corporate 'wrap' corresponds with the product advertised by DigiCAB Media. That is an issue that only the licensed drivers need to be alert to and does not affect decision making for Members.
- 2.2 Licensed vehicles would be fitted with a simple 3G enabled system built in to a 9" screen fitted into the back of a head restraint. Satellite technology updates the content on a regular basis from a central point of control.
- 2.3 Enquiries by Officers reveal this facility is already in place in Hull, York, Sheffield and Wakefield licensing authorities. Members will note that the DigiCAB Media literature refers to.
- 2.4 **Appendix 1** and **Appendix 2** are the company's explanatory documents that will give Members more information. Also in the background documents Members will see two web-sites that might also be helpful to Members to view adverts on Youtube.

3 Main issues

- 3.1 The media company making this proposal intend to offer it to Hackney carriage and Private Hire vehicles. In the context of Hackney carriage vehicles the difficulty is the conflict that has been explained earlier, but this is easily overcome with the control measures in the company and assurances about the content of issues displayed on the screen from the company and the Council's control measure.
- 3.2 In respect of Private hire vehicles it is an entirely new proposal but one that would be supported by the trade. Members are advised that primary legislation concerns the ability to distinguish the appearance between a taxi and private hire vehicle but

that piece of legislation would not extend to precluding Private Hire vehicles having similar technology available in their vehicles. In fact it might provide improved revenues streams for the private hire industry as well as the Hackney Carriage trade and demonstrating that the Council has a wide approach to being an enterprising Council to benefit all of its citizens.

- 3.3 Officers have considered the legal implications for the Council which are at paragraph 4.5 of this report along with the safety issues highlighted below.
- 3.4 The starting point is public safety and a further consideration is protecting the liability of the Council. The focus is on the head restraint and a recognition of being a major safety feature to reduce whiplash injuries in collisions. What we know is that when the vehicle was manufactured it met an exacting European Standard in respect of safety and head restraints are a part of those considerations. It follows that the questions to focus on in respect of this proposal are:
- Does the fitting of a screen in an 'after-market' head restraint conflict with the integrity of the vehicles European Whole Type Approval.
 - Is the insurance in respect of the licensed vehicle affected in any way?
 - If the 'after-market' head restraint is adjustable, will the leisure needs of the rear seat viewing passenger overtake the necessity for correct adjustment of the head restraint for the front seat passenger.
- 3.5 On the first of those issues it is not for the Council to undertake detailed enquiries on behalf of this or other media companies or to support the licensed applicant's request. The onus for demonstrating compliance and safety should remain firmly with the supplier and the licensed applicant.
- 3.6 The report author raised the following questions with the Royal Society for Prevention of Accidents (RoSPA).
- "Does the fitting of media screens in head restraints compromise passenger safety?"
 - "If I change to a head restraint that is not standard to the vehicle is that a potential safety concern?"

The response was :

" I have spoken to RoSPA's Head of Road safety with regard to your enquiry.

There could be potential problems if a new head restraint that was not designed for the vehicle is fitted. Check with the vehicle manufacturer that the new head restraint is suitable for the vehicle before buying."

Members may feel that this view supports the suggestion that responsibility for producing public safety supportive documentation is not for the Council to research.

- 3.7 This should be overcome on a case by case basis with the supplier of the equipment and the proprietor of the licensed vehicle supplying individual

accredited statements of conformity for each vehicle in which it is proposed to fit media screens. The minimum standard would be a technical approval declaration from the vehicle manufacturer.

3.6 Similarly, on the second point; I asked RoSPA the following question:

- Could it affect my insurance ?
- If I fit an 'after- market 'head restraint is it likely to affect my liability in the event of a passenger injury involving whiplash ? This information is in respect of a licensed taxi.

The response was:-

“With regard to insurance this is something that you can only discuss with your insurance provider.”

To look more closely at this issue I rang a reputable insurance broker and asked the same question of them, and their response was to the effect that ... *insurance policies generally carry a requirement that if there is any modification to the standard specification of the vehicle the insurance company must be notified and approve the modification otherwise the policy could be voided.*

3.7 The minimum requirement for licensing purposes would be for the licensed vehicle proprietor to produce appropriate documentation from the insurer approving the detail of the modification. Members are reminded that it is a statutory requirement for the Council to ensure that insurance is in place for that licensed vehicle.

3.8 In respect of the third point. This is the unmanageable issue for the Council if the application is approved. However, the driver can take responsibility for this and can be accountable in respect of any third party injury claims. The documentation supplied by the media company to the driver should detail the readily available safety advice in respect of head restraint positioning and remind the driver that the primary purpose of the head restraint is public safety and not supplying entertainment.

3.9 With the emphasis placed on passenger safety an application, approval and inspection process would need to be in place for the vehicle after fitting and prior to final approval. After fitting, the Council would be presented with a letter of conformity and a disclaimer absolving the Council of any resultant liability and a pre-agreed inspection sheet. The liability will then rest firmly between the supplier of the screens and the licensed proprietor.

3.10 Advertising Agency Standards cover all forms of advertising but nevertheless even conformity to their standards would not necessarily mean that the adverts or footage appearing on the display screens are necessarily those that you would want to see in the presence of business partners or children and there has to be an understanding of this on the part of the media company.

It is important that the Council's values are not undermined and accordingly any advertising that is prohibited by the Council or is not supporting of Council priorities or values would not be permitted (e.g. advertising by pay day loan companies would not be permitted as they are in conflict with the principles of the Council's poverty agenda)

The advertising of alcohol, tobacco or sexual entertainment venues should not be permitted and the Council would consider suspension of the policy or withdrawal of a particular approval in the event of concerns regarding the type of advertising or substantiated complaints.

- 3.11 These requirements are not insurmountable and the benefits to the Council and to passengers in vehicles with some of the potential advertising can be recognised. Certainly, in the context of opportunities for tourism and corporate advertising there are 'pluses', as are potential financial benefits to the licensed proprietor.
- 3.12 If the application included changes to the construction of the manufacturers head restraint fitted to the vehicle at the time of its European design approval then the same issues would have to be satisfied by the driver before approval for fitting.
- 3.13 This application should be seen in the context of digital media already being widely available to the travelling public by wi-fi and streaming in public places and other forms of transport.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The information contained in this report has not been the subject of consultation with the trade as it is a business opportunity and an individual proprietor's choice and not regulatory issue such as Members normally see.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no significant issues. The principal of the advertising content will already have been approved in accordance with ASA standards but the distinction should be drawn that advertising or other media that highlights international or religious tensions would not be acceptable. Such matters could lead to disputes between passengers or drivers or be offensive to a passenger. Similarly it might be considered inappropriate to have an involvement with local politics (as opposed to Council policies)

4.3 Council policies and City Priorities

- 4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.32 The Taxi & Private Hire Licensing policies contribute to priorities:

- 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 As this is an information report there are no resource or value for money issues to consider.

4.5 Legal Implications, Access to Information and Call In

4.5.1 In view of this being a policy matter that enables a personal choice on the part of the licensed vehicle proprietor, the legal implications are limited to overseeing the Constitutional process and the role of the Licensing Committee and Executive policy creation and considering the public safety implications.

4.6 Risk Management

4.6.1 Although there are perceived risks the control measures proposed are considered sufficient to absolve the Council of any liability. It is also important to control what type of technology drivers might introduce into their vehicles and so there would need to be a formal application process and quick inspection of the vehicle so that an accurate record can be maintained of which vehicles have approved screens in them.

There is a resource implication which can be adequately managed and catered for with an administration and inspection fee.

5 Conclusions

- 5.1 That there is a potential consumer benefit and a definite licensed trade benefit in developing an appropriate council policy, which, with endorsement by the Licensing Committee, would benefit the image of Leeds City Council in encouraging enterprise, service to the travelling public and the financial opportunities available to proprietors.
- 5.2 If Members agree that in principle that the benefits identified above are appropriate to the licensing policy and the aims of the Council, the only other issue is those of defining the policy and conditions and ensuring public safety in the fitting of the items and a continued conformity of appropriate media displayed on the screens.

6 Recommendations

- 6.1 That Members note the information in this report and consider whether to approve in principle this policy proposal along with the control measures identified in the body of the report. If Members do approve they should direct officers to prepare a report for the consideration of the Executive to approve.

7 Background documents

Disclaimer to be signed by proposing company prior to Executive approval

Hackney carriage vehicle conditions

Private Hire vehicle conditions

Corporate Advertising policy

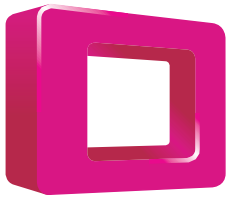
Approval information from Humberside City Council, Sheffield City Council, Wakefield City Council and Leicester City Council.

www.DigiCABmedia.com

www.Youtube.com/digicabs

<http://www.rospa.com/roadsafety/adviceandinformation/vehiclesafety/headrestraintswiplash/head-restraint-adjustment.aspx>

This page is intentionally left blank



DigiCAB

media.com

*Driving customers
to your business...*

Taxi advertising has taken the marketing world by storm. Regular taxi cabs are being converted to mobile advertising media that can bring you an additional revenue stream in the form of monthly payments and all we ask in return is to allow us to fit our DigiCAB Media system in your cab.

PLEASE SEE REVERSE FOR MORE DETAILS AND FAQ.



...with unique, targeted, affordable digital advertising

Taxi Owners FAQ

What is DigiCAB Media?

DigiCAB Media is a revolutionary new information, advertising and entertainment medium that displays content on screens fitted in the back of Licensed Taxis cabs.

How does the system work?

Each taxi is fitted with a simple 3G enabled system built in to a 9" screen fitted neatly in to the back of a headrest; we use Satellite technology to update the content on a regular basis from a central point of control. Our technology also allows you to offer FREE Wi-Fi to your passengers.

How long will my taxi be off the road?

Our system is very easy to fit and is almost "plug n play"! We can usually have the system fitted and running in your cab within 1 hour.

What do punters think about the system?

Independent market research conducted in December 2003 shows that;

- 74% of passengers either agree or strongly agree that the system is an enjoyable addition to their journey
- 92% watched the screen for the whole or most of their journey
- 79% of passengers disagreed or disagreed strongly that the inclusion of a screen showing advertising was an irritating addition to their journey
- Only 8% found the system irritating, of that 8% a mere 1% turned the system off.

Will it distract me when I'm driving?

No. The screen faces the passengers, the driver cannot see what is displayed on the screen and there are no reflections from any windows at night time. Neither can the system be heard as there are no speakers.

Can punters control the system?

Yes, passengers must have control over the ambiance of the rear of the cab. DigiCAB Media offers them some control in respect of been able to request the system to be switched on/off.

Who insures the system?

We do, at no cost to you whatsoever.

Does the taxi have to be double shifted?

No.

What if the system breaks down?

Should the system fail then you would simply take it back to the installers and they will replace the relevant part. This should only take a few minutes as we have made the system basically 'plug and play'.

How to apply

If you think this is something that you and your cab can benefit from then please contact one of our team on **07875 166449** or visit our website **www.digicabmedia.com** and click the "cab owners" tab to complete the application process. All we need is a few basic bits of information and before you know it you will be receiving your monthly payments and your cab will have great advantages over your competitors, helping improve your earnings too...

Can I have a livery on my taxi also?

Yes but it has to be booked through DigiCAB Media. At the end of the livery contract we would arrange for the advertisement to be removed. The reason for this is we need to avoid brand clashes. Because we can control the content in any individual taxi remotely, we can make sure this does not happen.

Does the product come with a CCTV system?

Yes. But it comes as an upgrade which will have a monthly charge of around £15-£20 which will be deducted from the monthly fee. The CCTV addition to the system has to be approved by the local authority and will be fitted as a recall.

I'm a multiple cab owner, what kind of deal can I get if I decide to put the system into any number of my taxis?

Basically the deal remains the same as for an individual taxi operator. If a multiple owner has ten taxis he can multiply his income x 10. There are potential savings to be had on the leasing deal but they can only be secured on a deal by deal basis.

Can I keep the system when I change to a newer taxi or do owners just pass on the contract/system to someone else?

Owners can do both. If they were buying a new taxi they can have the system removed from the old taxi and re-installed (only by DigiCAB's approved fitters) into their new taxi, this would be at their own expense though. (Costing £50 for removal and £125 for installation).

Can the system only go into certain models?

The DigiCAB Media System system will go into any vehicle.

When do my monthly payments start?

The first monthly payment is made after your first month from the installation date then they continue every month thereafter for the duration of the contract.

I've got a livery on my taxi; can I still get the DigiCAB Media system?

It depends on when the livery period is up; if you have just got it then no, you won't qualify. If it's almost over then you could qualify, we would decide on a case by case basis.

The Deal

Firstly, it's a minimum 12 month contract but depending on how long you are keeping your taxi it could be up to a 4 year contract. We pay you £100 per month 30 days after the system is installed and continue with this payment for the duration of the contract. We insure the system so it doesn't load your policy and we pay for installation.

In addition to the above you may also have the opportunity to have a livery on your taxi which will bring in another £1,000 per annum which is paid upfront when the livery is fitted. DigiCAB Media will only supply liveries to taxis with our digital system.

Income

Digital System	Liveries	Total Income	
Year 1	£1,200	£1,000	£2,200
Year 2	£1,200	£1,000	£2,200
Year 3	£1,200	£1,000	£2,200
Year 4	£1,200	£1,000	£2,200
Total income over 4 years		£8,800	

Benefits

- Free equipment
- Free insurance
- Free installation
- Additional income
- Entertained passengers
- External advertising revenue
- Transferable system/contract

Taxi Owners FAQ

What is DigiCAB Media?

DigiCAB Media is a revolutionary new information, advertising and entertainment medium that displays content on screens fitted in the back of Licensed Taxis cabs.

How does the system work?

Each taxi is fitted with a simple 3G enabled system built in to a 9" screen fitted neatly in to the back of a headrest; we use Satellite technology to update the content on a regular basis from a central point of control.

How long will my taxi be off the road?

Our system is very easy to fit and is almost "plug n play"! We can usually have the system fitted and running in your cab within 1 hour.

What do punters think about the system?

Independent market research conducted in December 2003 shows that;

- 74% of passengers either agree or strongly agree that the system is an enjoyable addition to their journey
- 92% watched the screen for the whole or most of their journey
- 79% of passengers disagreed or disagreed strongly that the inclusion of a screen showing advertising was an irritating addition to their journey
- Only 8% found the system irritating, of that 8% a mere 1% turned the system off.

Will it distract me when I'm driving?

No. The screen faces the passengers, the driver cannot see what is displayed on the screen and there are no reflections from any windows at night time. Neither can the system be heard as there are no speakers.

Can punters control the system?

Yes, passengers must have control over the ambiance of the rear of the cab. DigiCAB Media offers them some control in respect of been able to request the system to be switched on/off.

Who insures the system?

We do, at no cost to you whatsoever.

Does the taxi have to be double shifted?

No.

What if the system breaks down?

Should the system fail then you would simply take it back to the installers and they will replace the relevant part. This should only take a few minutes as we have made the system basically 'plug and play'.

Can I have a livery on my taxi also?

Yes but it has to be booked through DigiCAB Media. At the end of the livery contract we would arrange for the advertisement to be removed. The reason for this is we need to avoid brand clashes. Because we can control the content in any individual taxi remotely, we can make sure this does not happen.

Does the product come with a CCTV system?

Yes. But it comes as an upgrade which will have a monthly charge of around £15-£20 which will be deducted from the monthly fee. The CCTV addition to the system has to be approved by the local authority and will be fitted as a recall.

I'm a multiple cab owner, what kind of deal can I get if I decide to put the system into any number of my taxis?

Basically the deal remains the same as for an individual taxi operator. If a multiple owner has ten taxis he can multiply his income x 10. There are potential savings to be had on the leasing deal but they can only be secured on a deal by deal basis.

Can I keep the system when I change to a newer taxi or do owners just pass on the contract/system to someone else?

Owners can do both. If they were buying a new taxi they can have the system removed from the old taxi and re-installed (only by DigiCAB's approved fitters) into their new taxi, this would be at their own expense though. (Costing £50 for removal and £125 for installation).

Can the system only go into certain models?

The DigiCAB Media System system will go into any vehicle.

When do my monthly payments start?

The first monthly payment is made after your first month from the installation date then they continue every month thereafter.

I've got a livery on my taxi; can I still get the DigiCAB Media system?

It depends on when the livery period is up; if you have just got it then no, you won't qualify. If it's almost over then you could qualify, we would decide on a case by case basis.



Report author: John Grieve

Tel: 224 3836

Report of the City Solicitor

Report to Licensing Committee

Date: 9th September 2014

Subject: Policing and the Night Time Economy

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

The Committee will receive a presentation from officers of West Yorkshire Police on issues relating to policing and the night time economy in Leeds pertinent to the work of the Licensing Committee and its' Sub Committees

Recommendations

1. The Committee is requested to consider and discuss the information presented by West Yorkshire Police as appropriate.

1 Purpose of this report

- 1.1 This report is submitted by means of introduction to a presentation from officers of West Yorkshire Police on issues relating to policing and the night time economy in Leeds pertinent to the work of the Licensing Committee and its' Sub Committees. PC Cath Arkle will attend the meeting
- 1.2 The Committee is requested to note that Members may be provided with information that is not normally in the public arena such as information pertaining to an individual; or the financial or business affairs of any particular person (including the authority holding that information) or relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. In that case the Committee may be requested to consider a resolution to exclude any members of the public present in order that the information can be

discussed having regard to the Access to Information Procedure Rules and the Committees' own Rules of Procedure

2 Background information

The Committee has previously received presentations from West Yorkshire Police on a six monthly basis and discussed issues relating to the Review hearing system, the use of the Matrix system and the City Centre Cumulative Impact Area and partnership working with licensees

3 Recommendations

- 3.1 The Committee is asked to receive the presentation from West Yorkshire Police and consider and discuss the contents as appropriate

4 Background Documents¹

None

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 2014/15 - LAST UPDATED 26/08/14 (JG)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 10th JUNE 2014. HELD PH operator Conditions Review, HC Proprietors Suitability Assessment, 3Year Driver Licensing, Convictions Criteria and De Regulations			
Meeting date: 8th JULY 2014. HELD: BID UPDATE (Late Night Economy), Strong Alcohol Schemes, Otley Cumulative Impact Policy			
Meeting date: 5th AUGUST 2014			
Entertainment Licensing Section Activity update	To receive an update on activities of the Entertainment Licensing Section for the period January to June 2014	N Raper	PM
TPHL Section Activity Update	To receive a 6 monthly update on the activities of the TPHL Section	D Broster	PM
TPHL Equality Monitoring	To receive an update on the data collection levels achieved so far (January to June 2014) in respect of HC and PH applicants and licence holders,	D Broster	PM
Leeds Festival 2014	To provide an update on the arrangements for the Leeds Festival 2014	S Holder	B
Meeting date: 9th SEPTEMBER 2014			
WYP Presentation	To receive the 6 monthly update		B
Hackney Carriage Proprietors – Appropriate Suitability Assessment	To receive a report back following consultation with the Private Hire and Hackney Carriage Trade	D Broster	RP

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

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 26/08/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Digital Advertising Screens In Licensed Vehicles	To receive report which puts forward proposals for digital advertising screens in Licensed vehicles	D Broster	DP
Meeting date: 7th OCTOBER 2014			
Wi-Fi in licensed vehicles	To provide a report exploring proposals for free Wi-Fi in Private Hire vehicles	D Broster	DP
Inner East and Inner West Local Licensing guidance	To consider a report on the Inner East and Inner West Local Licensing guidance	S Holden	B
Employment of a Police Constable	To receive proposals for the employment of a Police Constable	D Broster	B
Meeting date: 11th NOVEMBER 2014			
Meeting date: 9th DECEMBER 2014			
Meeting date: 6th JANUARY 2015			
Meeting date: 10th FEBRUARY 2015			
Meeting date: 10th MARCH 2015			

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

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 26/08/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: WEDNESDAY 8TH APRIL 2015			
Meeting date: WEDNESDAY 6TH MAY 2015			

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

This page is intentionally left blank