



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Tuesday, 8th December, 2015 at 10.00 am

MEMBERSHIP

Councillors

D Blackburn	Farnley and Wortley;
J Blake	Middleton Park;
R Charlwood	Moortown;
S Golton	Rothwell;
G Latty	Guiseley and Rawdon;
J Lewis	Kippax and Methley;
A Lowe	Armley;
J Procter	Wetherby;
J Pryor	Headingley;
M Rafique	Chapel Allerton;
S Varley	Morley South;
L Yeadon	Kirkstall;

**Agenda compiled by:
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LEEDS LS1 1UR
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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 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 the following 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, as follows:-</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2000 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To receive the minutes of the meeting held on 19th October 2015.</p>	1 - 4

Item No	Ward/Equal Opportunities	Item Not Open		Page No
7			<p>CHANGES TO THE CONSTITUTION TO ENABLE CROSS AUTHORITY MONITORING AND ENFORCEMENT OF TAXI AND PRIVATE HIRE ACTIVITY</p> <p>To receive a report of the Head of Elections, Licensing and Registration setting out the background to the changes made by the De-Regulation Act 2015 and how they will affect this Authority, particularly issues of general public safety, safeguarding and enforcement capability. On 17th November 2015 the Licensing Committee considered a report from the Section Head Tax and Private Hire Licensing recommending that tax and private hire licensing enforcement functions be delegated to the other West Yorkshire authorities, and similarly for this authority to receive their delegated tax and private hire licensing enforcement functions. The delegation of functions to and receipt of delegated functions from another authority requires changes to the council's constitution. The General Purposes Committee is asked to recommend to full council approval of the necessary changes.</p>	5 - 26

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> <p>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.</p> <p>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.</p>	

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GENERAL PURPOSES COMMITTEE

MONDAY, 19TH OCTOBER, 2015

PRESENT: Councillor in the Chair

Councillors D Blackburn, R Charlwood,
S Golton, G Latty, J Lewis, J Procter,
J Pryor, M Rafique, B Selby (as substitute
for A Lowe), S Varley and L Yeadon

Apologies Councillors A Lowe

10 Appeals against refusal of inspection of documents

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

11 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

12 Late items

There were no formal late items submitted to the agenda for consideration. However supplementary information was circulated to Members at the meeting in relation to Agenda Item 9 "Community Governance Review recommendations on the creation of a new Town Council for Guiseley."

13 Declaration of Disclosable Pecuniary and Other Interests

No declarations were made.

14 Apologies for absence

Apologies for absence were received from Councillor A Lowe. Councillor B Selby was in attendance as substitute.

15 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 16th June 2015 be approved as a correct record.

16 West Yorkshire Joint Overview and Scrutiny Committee

The Principal Scrutiny Advisor presented a report of The Head of Scrutiny and Member Development which considered and made recommendations to full Council to appoint a West Yorkshire Joint Health Overview and Scrutiny Committee, to delegate relevant functions, and to appoint members to the

new committee following nomination by the Scrutiny Board (Adult Social Care, Public Health, NHS).

RESOLVED – The Committee resolved to:

- a) Note the contents and details contained within the report;
- b) Recommend to full Council that:
 - Council resolves to appoint a West Yorkshire Joint Health overview and Scrutiny Committee together with the authorities listed at Paragraph 6.1 of the submitted report; and
 - Council approves the terms of reference for the West Yorkshire Joint Health overview and Scrutiny Committee as set out at Appendix 1 of the submitted report;
 - Council delegates relevant functions, as set out at Appendix 1 of the submitted report, that shall be exercisable by the West Yorkshire Joint Health Overview and Scrutiny Committee, subject to the terms and conditions specified; and
 - Council agrees to appoint such members to the West Yorkshire Joint Health Overview and Scrutiny Committee, as nominated by the Scrutiny Board (Adult Social Services, Public Health, NHS).

17 Amendments to the Council Procedure Rules

The Head of Governance Services presented a report of the City Solicitor. The report presented feedback from political groups on changes to the operation of Ordinary Council meetings that have been in operation for a trial period at the July and September council meetings.

RESOLVED – The Committee resolved to:

- (a) Approve an extension of the trial period to allow for further consideration of the arrangements during the remainder of the municipal year; and
- (b) Request a further report to the May 2016 meeting of this Committee in order for recommendations to be made on the adoption of the revised Council Procedure Rules to the May 2016 Annual Council meeting.

18 Community Governance Review Recommendations on the Creation of a New Town Council for Guiseley

The Head of Elections, Licensing & Registration presented a report of the Assistant Chief Executive (Citizens and Communities) and the City Solicitor. The report considered further information in regard to the creation of a new Town Council for Guiseley.

Members noted that the bulk of representations received from the public were against the proposal of creating a Town Council.

RESOLVED – The Committee resolved to recommend to full Council that a new Guiseley Town Council should not be established.

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Report author: D. Broster

Report of: Section Head Taxi and Private Hire Licensing

Report to: General Purposes Committee

Date: 8th December 2015

Subject: Changes to the Constitution to enable cross authority monitoring and enforcement of Taxi and Private Hire activity

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 Councils within the West Yorkshire Combined Authority have been working together to improve the consistency of Taxi and Private Hire monitoring and enforcement activities across the region. Since 1st October 2015 the Deregulation Act permits private hire firms nationally to sub contract bookings outside of their own licensing district. Currently officers in this Authority have no powers to conduct any enforcement activity on Private Hire vehicles not licensed by this Authority This has presented this and other Authorities with concerns in relation to how this might be monitored, including for safeguarding reasons, and how enforcement should be carried out effectively. The introduction of these provisions under the Deregulation Act 2015 has prompted the Authorities to seek to move to formal arrangements for cross authority working.
- 2 On 17th November 2015 the Licensing Committee considered a report from the Section Head Taxi and Private Hire Licensing recommending to full Council the delegation of Taxi and Private Hire enforcement functions from this Authority to the other councils within the Combined Authority and to similarly receive their delegated Taxi and Private Hire enforcement functions. The Licensing Committee agreed to the recommendation and went further to seek to include other councils, where possible, in particular those whose licensed Private Hire vehicles have been seen operating in Leeds.
- 3 The delegation of functions to and receipt of delegated functions from another council requires changes to this Council's Constitution. The General Purposes

Committee is asked to recommend to full Council approval of the necessary changes.

4.0 Recommendations

- 4.1 That Members recommend to full Council that the Taxi and Private Hire enforcement powers as set out in paragraph 3.3 of this report are delegated by Leeds City Council to the following local authorities, namely: City of Bradford Metropolitan District Council; Wakefield Metropolitan District Council; Calderdale Metropolitan Borough Council; Kirklees Metropolitan Borough Council and City of York Council as well as retaining those functions within Leeds City Council. To agree to Leeds City Council receiving similar delegated enforcement powers from those named Authorities.
- 4.2 That Members recommend to full Council approval of necessary changes to the Constitution as at Appendix A and Appendix B to this report.
- 4.3 That the Section Head Taxi and Private Hire Licensing continues enquiries with other councils, including Manchester City Council and Rossendale Borough Council, and if agreement is reached in principle with those councils for the report to full Council and the recommended changes to the Constitution include reference to those councils.
- 4.4 That Members note that on recommendation from the Council's Licensing Committee that any necessary changes to the Council's Licensing Policies arising from the proposed changes will be approved by the Council's Executive.

1 Purpose of this report

- 1.1 Councils within the West Yorkshire Combined Authority have been working together to improve the consistency of Taxi and Private Hire monitoring and enforcement activities across the region. Since 1st October 2015 the Deregulation Act 2015 permits private hire firms nationally to sub contract bookings outside of their own licensing district. This has presented this Council and other Authorities with concerns in relation to how this might be monitored, including for safeguarding reasons, and how enforcement should be carried out effectively. The introduction of these provisions under the Deregulation Act has prompted the Authorities to seek to move to formal arrangements for cross authority working.
- 1.2 On 17th November 2015 the Licensing Committee considered a report from the Section Head Taxi and Private Hire Licensing recommending to full Council the delegation of Taxi and Private Hire enforcement functions from this Council to the other councils within the Combined Authority and to similarly receive their delegated Taxi and Private Hire enforcement functions. The Licensing Committee agreed to the recommendation and went further to seek to include other councils, where possible, in particular those whose licensed Private Hire vehicles have been seen operating in Leeds. The Licensing Committee also agreed that any necessary changes to the Council's Licensing Policies arising from constitutional changes should be recommended for agreement by the Council's Executive.
- 1.3 This report sets out the background to the changes and how they will affect this Council, particularly issues of general public safety, safeguarding and enforcement capability.
- 1.4 The delegation of functions to and receipt of delegated functions from another council requires changes to the Council's Constitution. The General Purposes Committee is asked to recommend to full Council approval of the necessary changes.

2 Background information

- 2.1 In 2014 the Licensing Committee considered proposals of the Law Commission to reform Taxi & Private Hire licensing. The proposals included:
 - Enabling any person to use a licensed vehicle for social, domestic or pleasure purposes
 - Removing the absolute discretion of a local Authority not to issue a driver licence for a period of more than one year
 - For Private Hire Operator licences to be granted for a period of 5 years only without discretion for the Council to grant for a lower period
 - Removing the strict control of sub-contracting a Private Hire journey from within a licensing district only to enable sub-contracting to take place on a national basis.

2.2 The proposals of the Law Commission did not pass through the House of Commons. At the same time the Government was consulting on Deregulation proposals and the summary and intention was:-

‘ A Bill to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes.’

- 2.3 The above four proposals were included in the Deregulation Bill. Substantial opposition was mounted by this Authority in conjunction with the Police and Crime Commissioners, the Suzy Lamplugh Trust, Unite the Union, GMB and UNISON at a national level and the Local Government Association. The consequence was that the proposal to allow anybody to drive a licensed vehicle for social, domestic or pleasure purposes was withdrawn but the remaining three proposals progressed as part of the new Deregulation Act.
- 2.4 On 26 March 2015, the Deregulation Act 2015 received royal assent. This was followed by The Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015 which set out the commencement date for Taxi and Private Hire deregulation measures. These provisions came into force on 1 October 2015.
- 2.5 Section 11 (private hire vehicles: sub-contracting) inserts two new sections (55A and 55B) into the Local Government (Miscellaneous Provisions) Act 1976 in relation to the sub-contracting of bookings from one Private Hire vehicle operator to another.
- 2.6 This is a major amendment to the 1976 Act affecting Taxi and Private Hire drivers and operators. There is currently no detailed information or operational guidance on these deregulation measures available from the Government, Department for Transport or other organisations.
- 2.7 The individual changes to introduce sub-contracting arrangements between Private Hire operators in different licensing districts mean that this presents significant difficulties for the Council in conducting its enforcement activities and to the public in terms of service standards and potentially public safety as it means:-
- Currently officers in this Authority have no powers to conduct any enforcement activity on Private Hire Vehicles not licensed by this Authority.
 - Significant difficulties in verifying whether a pre booking was in place when investigating plying for hire concerns
 - Potential confusion for the public who may not recognise the vehicle which turns up and cannot readily verify the credentials of the driver
 - Investigations may become protracted and on a national basis
 - Timescales for summary prosecutions (6 months) would be extremely tight
 - Operators could pick the least challenging authorities in which to be licensed, to set up base there and simply transfer bookings from the Leeds district to that operating base

- Licensed vehicles from other licensed Authorities may have minimal exterior identification potentially creating opportunities for criminals, unlicensed drivers or sexual predators to more easily slip under the radar on opportunist illegal journeys.
- Leeds City Council is reliant on other Authorities having an enforcement capacity dedicated to Taxi & Private Hire Licensing.
- Risk to the Section's funding if a significant percentage of drivers migrate to other less regulated authorities.

In effect this part of the Act could virtually put enforcement capability out of reach of the licensing Authority.

2.8 These concerns are shared across many leading Authorities but the effects are more likely to be significant in areas such as Leeds, Manchester, Birmingham and other large cities but not exclusively so. Leeds is working within the remit of the West Yorkshire Combined Authority to try and establish some common licensing standards and enforcement compatibility across the West Yorkshire area. Some of the key issues being considered by the Combined Authority are the following:-

- Safeguarding - child sexual exploitation - human trafficking – a common minimum training standard for the trade
- Driver application process – improved common minimum standards
- English comprehension - common minimum standards for new applicants, It would only apply to existing licence holders where there was an identified need with the focus being on training and development within an agreeable timeframe.
- Convictions Policy and Convictions Criteria – a standard criteria be adopted.
- Decision making-scheme of delegation - All local authorities introduce a scheme of delegation to Officers for decision making
- Private Hire Operator Conditions – a common standard across the Combined Authority
- Private Hire Vehicle Conditions - All West Yorkshire licensed vehicles have similar recognisable door livery which deforms when removed.
- Common Byelaws - Hackney Carriages – a common standard across the Combined Authority
- West Yorkshire Centralised Licensing Database – maintaining a centralised record of licence applications, suspensions, revocations to enable greater checking at the point of revocation.
- Enforcement Capability - That each Authority sets out a clear ring-fenced budget and produces annual accounts to demonstrate to the licence holders that all money is being used lawfully and appropriately. Officers to prepare information sharing protocol and implement.

- Authorised Officer status - Licensing and Enforcement Officers able to carry out inspection and suspension powers on a vehicle licensed by any West Yorkshire Authority through the scheme of delegation of powers being co-ordinated across all West Yorkshire Authorities to enable more efficient enforcement action

3 Main Issues

- 3.1 Cross delegation of the Taxi and Private Hire enforcement functions across the West Yorkshire Authorities would improve the consistency of enforcement activities regionally and would assist in reducing possible concerns arising from the changes to the law allowing Private Hire firms to sub contract bookings outside of their licensing district.
- 3.2 Key Licensing officers in all West Yorkshire authorities met on 15th October 2015 to agree an approach going forward to minimise concerns. The outcome of this meeting was that it was agreed that all officers would consider whether there should be cross authority delegation of Taxi and Private Hire licensing enforcement functions. The intention would be to work towards all authorities having this in place as soon as possible but no later than by 1st April 2016.
- 3.3 The current functions which are delegated to licensing officers in this Authority are set out in the Assistant Chief Executive (Citizens and Communities)'s sub-delegation scheme and includes the functions set out in the paragraph below: The intention would be that Leeds Licensing officers would retain the sub-delegation of these functions but they would also be delegated to the other named Authorities.

All functions associated with Taxi and Private Hire monitoring and enforcement including:

Local Government (Miscellaneous Provisions) Act 1976

Section 53(3) (a) Driver to produce his licence for inspection

Section 58 Return of identification plate or disc on revocation etc.

Section 60 to suspend and revoke vehicle licenses

Section 61 to suspend and revoke drivers' licences

Section 68 Fitness of private hire vehicles

Section 73 – Obstruction of Authorised Officers

Town and Police Clauses Act 1847

Section 45 prosecution for plying for hire

Road Traffic Act 1988

Section 143 (no insurance)

- 3.4 Each Authority would retain the ability to grant and renew licences, those functions will not be delegated. The enforcement functions would be delegated. The ability to prosecute will rest as at present with the district within which the alleged offence occurred. Officers in each named Authority will agree to provide evidence where necessary to support prosecutions by the other Authorities where they have been

involved in investigating the alleged offence. How this will work in practice including recompense for each authority will be set out in an agreement between all of the named authorities.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation with the Hackney Carriage Associations and the Private Hire Trade is not a legal requirement in these circumstances but has still been undertaken to identify any issues and maintain relationships with the trades. The closure date for consultation responses was Friday 13 November 2015. Licensing Committee has reviewed the responses received and the feedback from members of both the Taxi and Private Hire trades was in agreement with the proposals to share authorisation to officers across the West Yorkshire Combined Authority. One trade representative has requested a further meeting with the Chair of the Licensing Committee to discuss the wider implications of the Deregulation Act.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality, Diversity, Cohesion and Integration Assessment has been carried out on the impact of the proposals within this Authority and finds that there is potential for an impact on the different equality characteristics. The screening is available as a background document to this report and details how the Council will work to reduce any negative impact by various options including the provision of an interpreter, promoting effective communication and offering remedial training packages. This Authority will also take appropriate legal advice and consult as necessary before any changes to policies are made.

4.3 Council policies and Best Council Plan

4.3.1 The necessary changes to the Council's policies will be forwarded to the Executive for approval. 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, to :

- 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:

4.3.4 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 Leeds City Council Taxi & Private Hire Licensing has a ring-fenced budget with all fees retained solely for licensing purposes. There may be financial challenges which cannot be evaluated at the moment but the expenditure is closely monitored and any emerging needs would have to be met from the reserve fund or through licence fee variations. The opportunities to seek costs from defendants will be strongly pursued by solicitors representing the Council at court.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The enforcement functions in this report are council functions. The Local Government Act 1972 section 101(1) (b) permits delegations of council functions from one Authority to another. Section 101(3) of the same Act permits that other Authority to arrange for discharge of those functions by a committee, sub-committee or officer of that Authority, effectively as though the function had always been theirs. The function would need to be delegated by full council (rather than by an officer or the licensing committee) and should be captured in the Constitution so the delegation across authorities is clear.

4.5.2 Officers in this Authority would still have the delegated authority to carry out the same functions. All of this would also be captured in the relevant sub-delegation schemes of officers.

4.5.3 If polices need to be altered to reflect the above then on recommendation from the Licensing Committee for an Executive decision to be taken.

4.5.4 Changes to Parts 1 and 2 of the Constitution can only be approved by full Council after consideration of the proposal by the General Purposes Committee and following advice from the Council's Monitoring Officer (Article 15.2 of the Constitution)

4.6 Risk Management

4.6.1 In amending the Constitution to accommodate the changes, the risk of any failure to comply with any legal challenges which may arise is minimised.

5 Conclusions

5.1 The recommendations are intended to facilitate Taxi and Private Hire enforcement across the named authorities.

6 Recommendations

6.1 That Members recommend to full Council that the Taxi and Private Hire enforcement powers as set out in paragraph 3.3 of this report are delegated by Leeds City Council to the following local authorities, namely: City of Bradford Metropolitan District Council; Wakefield Metropolitan District Council; Calderdale Metropolitan Borough Council; Kirklees Metropolitan Borough Council and City of York Council as well as retaining those functions within Leeds City Council. To agree to Leeds City Council receiving similar delegated enforcement powers from those named Authorities.

6.2 That Members recommend to full Council approval of necessary changes to the Constitution as at Appendix A and Appendix B to this report.

6.3 That the Section Head Taxi and Private Hire Licensing continues enquiries with other councils, including Manchester City Council and Rossendale Borough Council, and if agreement is reached in principle with those councils for the report to full Council and the recommended changes to the Constitution include reference to those councils.

6.4 That Members note that on recommendation from the Council's Licensing Committee that any necessary changes to the Council's Licensing Polices arising from the proposed changes will be approved by the Council's Executive.

7 Background documents

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Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Citizens and Communities	Service area: Elections, Licensing and Registration
Lead person: Kate Coldwell	Contact number: 3781563

1. Title: Delegation of Enforcement Powers: Taxi & Private Hire Licensing

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

Leeds city council took responsibility for all Hackney carriage and private hire licensing matters in 1978 when it adopted Part II of the Local Government (Miscellaneous Provisions) Act, 1976. The then responsible Licensing Committee created a set of conditions which it thought appropriate to place on private hire drivers and operators at that time. Since 1978, changes have been made to the conditions based on recommendations by Elected Members, changes in legislation and minor administrative, enforcement or public service issues.

The provisions of the Deregulation Act 2015 for taxi and private hire deregulation measures came into force on 1 October 2015 and, amongst other things, the Act removes the strict control of sub-contracting a private hire journey from within a licensing district only, to enable sub-contracting to take place on a national basis. This is a major amendment to the 1976 Act, affecting taxi and private hire drivers and operators and the deregulation will have far reaching implications for private hire operators in relation to the sub-contracting of bookings from one private hire vehicle operator to another as each Local Authority sets its own conditions upon licences.

The Licensing Committee will recommend to the General Purposes Committee and full Council, that there is a delegation of enforcement functions across other Local Authorities to help minimise concerns. Also, to agree to other authorities' enforcement powers being delegated to this authority.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	√	
Have there been or likely to be any public concerns about the policy or proposal?		√
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		√
Could the proposal affect our workforce or employment practices?	√	
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations	√	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

• **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The purpose of conditions attached to licences is to make sure that the taxi and private hire trade in Leeds is operated in a professional manner and that the correct standards of public safety are met by drivers and operators and that all vehicles are safe and meet a reasonable standard of comfort. The Council is committed to providing a quality transport service within the taxi and private hire trade and our overriding principle is the safety of the travelling public. In addition, we are alert to public expectations of passenger care and comfort.

Section 11 (private hire vehicles: sub-contracting) inserts two new sections (55A and 55B) into the Local Government (Miscellaneous Provisions) Act 1976 in relation to the sub-contracting of bookings from one private hire vehicle operator to another. There is currently no detailed information or operational guidance on these deregulation measures available from the Government, DfT or other organisations.

Sub-contracting presents significant difficulties for the Council in conducting its enforcement activities and to the public in terms of local licensing conditions, service standards and potentially public safety as each local authority sets its own licensing conditions and may be more stringent in some licensing districts than others.

One key issue being progressed is to enable Leeds City Council Enforcement Officers to inspect vehicles licensed by other authorities and grant them suspension powers through the scheme of delegation.

The scheme of delegation requires that officers have sufficient skills, knowledge and expertise to make decisions; therefore it is impractical to expect Enforcement Officers to have in-depth knowledge of the differing licensing conditions across all authorities. It is intended that Leeds Officers would retain the sub-delegation of the following functions, which would also be delegated to other authorities;

- All criminal matters Local Government (Miscellaneous Provisions) Act 1976
- Section 53(3) (a) Driver to produce his licence for inspection
- Section 58 Return of identification plate or disc on revocation etc
- Section 60 to suspend and revoke vehicle licenses
- Section 61 to suspend and revoke driver licences
- Section 68 Fitness of private hire vehicles
- Section 73 – Obstruction of Authorised Officers
- Town and Police Clauses Act 1847
- Section 45 prosecution for plying for hire
- Road traffic Act 1988
- Section 143 (no insurance)
- All criminal matters

This ensures that officers concentrate on key risk factors such as who is driving, why they are driving, is the applicable insurance in place, is the vehicle road worthy. The ability to prosecute on criminal matters would rest with the district within which the alleged offence occurred. Decisions based on local licensing conditions would be referred back to the applicable local authority to ensure decisions taken in terms of local policy are fairly applied.

Consultation has taken place informally amongst private hire operators and Hackney carriage associations

who are supportive of the proposals.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The safe licensing and monitoring of licence holders is a statutory responsibility for the Council and contributes significantly to the safety of the travelling public and it is recognised that those who are licensed by the taxi and private hire licensing section are the biggest providers of transport in the evening and night time economy.

There is potential for an impact for the different equality characteristics as each licensing authority sets its own licensing conditions, for example in Leeds licensed drivers must be able to read, understand and adhere to the conditions attached to the grant of their licence. Both the English comprehension test and the private hire knowledge seminar are in place to ensure that our licence holders are able to do this. However, nationally this may not be a requirement and other authorities may require a different standard prior to the grant of a licence.

Drivers and vehicle proprietors nationally may not understand, and therefore fully engage, with the scheme of delegation across Local Authorities.

In some scenarios such as refusal to carry assistance dogs/ wheelchair users, which is a breach under the Equality Act 2010, we would look at offering remedial training packages rather than proceeding directly to prosecution. Further breaches would lead to prosecution.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

The Council will look at the options to provide an interpreter for any interview where the driver may not meet the required ESOL Level 3 test, as specified in the Leeds licensing conditions.

Effective communication must be undertaken to explain the process across each Local Authority who signs up to the sharing of enforcement powers;

- Communicate with trade representatives across each Authority
- Enforcement Officers may be supplied with badges to explain their delegated powers
- Information packs to be supplied to Enforcement Officers
- Use of a language line or similar, to assist with language difficulties

All of the above will also assist Officers when carrying out their duties.

This authority must be consistent in offering remedial training packages to those licensed by another authority.

Analysis will be undertaken on a 6 monthly basis to understand the level of 'out of town' suspensions and complaints, identify trends and inform a reporting mechanism to the applicable authority.

In Leeds, we will;

- ensure that we take legal advice as applicable prior to making any change proposals regarding our policies.

- ensure that we continue to consult fully regarding any proposed changes to our policies.
- ensure any changes to our policies are communicated widely and appropriately.
- ensure that our publications continue to be written in plain English and that support is offered via Officers to explain our policies.
- continue to enforce our policies to ensure that the correct standards of safety and comfort are satisfied by licence holders.

5. If you are **not already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.****

Date to scope and plan your impact assessment:

Date to complete your impact assessment

Lead person for your impact assessment
(Include name and job title)

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
John Mulcahy	Head Of Elections Licensing and Registration	23.11.2015
Date screening completed		23.11.2015

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent:

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APPENDIX A

Council Non Executive Functions

SECTION 2D: COUNCIL (NON EXECUTIVE) DELEGATIONS TO AND FROM OTHER AUTHORITIES

Leeds City Council has delegated to the authorities named below functions relating to Taxi and Private Hire monitoring and enforcement including:

Local Government (Miscellaneous Provisions) Act 1976

Section 53(3) (a) Driver to produce his licence for inspection

Section 58 Return of identification plate or disc on revocation etc

Section 60 to suspend and revoke vehicle licenses

Section 61 to suspend and revoke drivers' licences

Section 68 Fitness of private hire vehicles

Section 73 – Obstruction of Authorised Officers

Town and Police Clauses Act 1847

Section 45 prosecution for plying for hire

Road Traffic Act 1988

Section 143 (no insurance)

The Council has retained the ability to exercise concurrently these functions.

The Authorities named below have delegated the same functions to Leeds City Council. Those Authorities have also retained the ability to exercise these functions concurrently. Where functions have been delegated to Leeds City Council they have been delegated by full Council to the Assistant Chief Executive.

THE AUTHORITIES

City of Bradford Metropolitan District Council
Calderdale Metropolitan Borough Council
Wakefield Metropolitan District Council
Kirklees Metropolitan Borough Council
City of York Council

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APPENDIX B

Officer Delegation Scheme (Council (non-executive) functions)

Assistant Chief Executive (Citizens and Communities)

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities)¹ is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
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Exceptions²

The Assistant Chief Executive is not authorised to discharge the function above where objections have been received.

2. Functions of the Licensing Authority delegated by Full Council

Subject to the exception set out below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority ³	Licensing Act 2003 and any regulations or orders made under that Act ⁴ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

Exceptions:

- any function of the Licensing Authority reserved to full Council⁵;

¹ The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and the Assistant Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Director remains responsible for any decision taken pursuant to such arrangements.

² Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Assistant Chief Executive - (Section 101(2) Local Government Act 1972.

³ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

⁴ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

APPENDIX B

Officer Delegation Scheme (Council (non-executive) functions)

3. Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the licensing functions⁶ of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority	Licensing Act 2003 and any regulations or orders made under that Act ⁷ .
(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that chapter
(c)	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005
(d)	Functions relating to the exchange of information	Section 30 of the Gambling Act 2005
(e)	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
(f)	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
(g)	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
(h)	Power to exchange information	Section 350 of the Gambling Act 2005
(i)	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

Exceptions:

- any function of the Licensing Authority⁸ reserved to full Council⁹;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee¹⁰;
- any function of the Licensing Authority reserved to the Licensing Committee;

⁵ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

⁶ "Licensing functions" means functions under the 2003 Act, the 2005 Act and the Police Reform and Social Responsibility Act 2011.

⁷ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

⁸"Licensing functions" - see footnote 6 above

⁹ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁰ Under the provisions of Section 7(5)(a) of the 2003 Act.

APPENDIX B

Officer Delegation Scheme (Council (non-executive) functions)

- any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees¹¹; and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

4. Functions related to the Licensing Functions delegated by Licensing Committee¹²

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the functions set out in the following table that are delegated to the Assistant Chief Executive (Citizens and Communities) by Licensing Committee¹³

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	** To license sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952

¹¹ Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

¹² These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

¹³ These delegations include functions where these have been delegated to Leeds City Council by any other Council.

APPENDIX B

Officer Delegation Scheme (Council (non-executive) functions)

(f)	*** To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
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Exceptions

The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked ** above where the application is for the grant, renewal or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received

The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked *** above where objections have been received.