

Licensing Committee

Tuesday, 3rd September, 2019

PRESENT: Councillor B Garner in the Chair

Councillors N Buckley, B Flynn, H Bithell,
P Drinkwater, C Knight, P Latty, J Lennox,
A Marshall-Katung and P Wray

36 Appeals Against Refusal of Inspection of Documents

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

37 Exempt Information - Possible Exclusion of the Press and Public

There were not items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

38 Late Items

Although there were no late items of business, the Chair accept the inclusion of Supplementary information, additional representation from the Hackney Carriage License Holders, in respect of Agenda Item No. 8 – Proposed Suitability Policy and update on Policy Harmonisation with West Yorkshire & York Authorities. (Minutes No. 43 referred)

39 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

40 Apologies for Absence

Apologies for absence were received for Councillors: R Downes, A Garthwaite, A Hutchison, A Wenham and G Wilkinson.

41 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meetings held on 13th August 2019, were accepted as a true and correct record.

42 Matters Arising from the Minutes

Proposed Working Group on CCTV in Taxi and Private Hire Vehicles (Minute No. 32 referred) – With reference to Resolution (ii) and the decision to seek expressions of interest from Members to serve on the Working Group. The Chair said he was aware that Councillors A Marshall-Katung and P Wray had volunteered to serve on the group but ideally more Members were required.

Councillor H Bithell said she would be willing to serve on the group.

The Chair thanked those Members who'd agreed to serve on the group, any further Members wishing to serve on the group should contact Governance Services.

43 Taxi & Private Hire Licensing - Proposed Suitability Policy and update on Policy Harmonisation with West Yorkshire & York authorities

The Chief Officer, Elections and Regulatory submitted a report which set out the results of a recent consultation in Leeds and consultations and engagement exercises in neighbouring authorities, about the suitability of people to hold a licence to work as a taxi or private hire driver, based on proposals for national standards developed by the Institute of Licensing, Local Government Association, National Association of Licensing and Enforcement Officers and Lawyers for Local Government.

The report also highlighted the areas where the Council's proposed policy relating to the suitability of licence holders could be revised following the consultation and discussion with the other West Yorkshire and York authorities and the areas where the Council and other licensing authorities, professional bodies had suggested that the suitability policy could be further refined and developed.

It was noted that an additional written representation from the Hackney Carriage trade had been circulated to Members of the Committee in advance of the meeting, albeit several months after the end of the consultation period.

Addressing the report the Taxi and Private Hire Licensing Manager spoke in detail on the following issues:

- The response to the suitability survey in Leeds
- The response to the suitability survey in other authorities
- Considerations about applicant and current licence holders suitability
- Consideration of fit and proper person at renewal
- The broad categories of caution and conviction

Referring to the consultation process Members noted there was a high degree of agreement with the exception of the Hackney Carriage trade, who according to the recent correspondence/ representation referred to above were "vehemently opposed to the proposed new policy".

The Taxi and Private Hire Licensing Manager addressed each of the issues raised by the representatives of the Hackney Carriage trade, and emphasised that if the council agreed to implement the suitability policy, it would be applied at application and renewal stages, and when any new information was received, such as arrests, cautions, convictions, and penalty points.

Members were informed that the Hackney Carriage trade represented approximately 20% of the total number of licenced drivers, the vast majority of people who responded to the consultation were in favour of the new policy.

Referring to criminal and driving convictions (Table A), Members queried if officers were able to apply discretion, taking into account other issues.

Members were informed that officers would apply the policy as it was set out, but that it incorporated some elements of discretion. Referring to the fit and proper person test, it was suggested that there was a need to differentiate between a 'push and shove' and a sustained attack (Violent offence), Paragraph 3.16 of the submitted report referred.

Referring to the Disclosure and Barring Service, Members sought clarification around the production of a letter of good character and how would such a letter be obtained.

Members were informed that a solicitor would usually provide such a letter or alternatively it might be provided by another UK professional, the authority needing to be satisfied that the person is fit and proper and such a letter will offer some degree of reassurance (Identical to the National Standard).

Referring to the suspension of a driver's licence following allegations of a criminal nature, Members queried the length of time taken to obtain information from the Police Disclosure Team, and asked if the timescales for the receipt of information could be accelerated.

It was suggested that the Chair be requested to write on behalf of the Licensing Committee to Councillor M Iqbal, Chair of the West Yorkshire Police and Crime Panel highlighting the delay in handling Police Disclosure requests from the City Council and to seek his support in bringing this matter to the attention of the Police and Crime Commissioner for West Yorkshire.

In agreeing the above action, the Chief Officer, Elections and Regulatory reminded Members that a Police investigation must proceed unhindered and no information would be provided until the Police investigation had concluded.

Commenting on the harmonisation project across West Yorkshire and York, Members queried if the New Suitability Policy was above minimum agreed levels.

The Taxi and Private Hire Licensing Manager said there was no intention to sign up to a policy which would lower standards in Leeds.

In drawing the discussion to a conclusion the Chair sought Members views on the introduction of the proposed new suitability policy.

One Member was of the view that the existing policy be retained as it was possible that the new policy may result in more complaints and appeals.

It was also noted that the Hackney Carriage trade had made a written representation which was not supportive of the new policy, but had had their questions addressed by the Taxi and Private Hire Licensing manager.

Other Members were supportive of the new policy commenting that officers were able to apply a degree of discretion as regards tariffs, but the new policy if approved would be aligned against National Standards, with a small number of additions for Leeds.

On the issue of complaints and appeals the Taxi and Private Hire Licensing Manager said the LCC Convictions Policy was considered to be best practice and this was reflected in the decisions made on appeal by Magistrates in Leeds.

In summing up the Chair suggested that the majority of Members appeared to be supportive of the new suitability policy, which would be reviewed in twelve months' time.

RESOLVED -

- (i) That the purpose and content of the submitted report be noted.
- (ii) To receive and note the summary of the responses to the consultations, the proposed policy, and the discussion points raised in the report, and note that there may be further guidance being developed as a result of the national consultation on statutory guidance, which includes the table of suitability licensing decisions.
- (iii) To note the proposals with respect to distinguishing the extreme violence examples from less extreme violence, with a lower tariff of 5 years, not 10 years.
- (iv) To support the new policy on determining the suitability of applicants and licence holders as drivers in taxi and private hire licensing, and that this policy take effect from 1st November 2019 with a review of the policy taking place in twelve months-time
- (v) That the Taxi and Private Hire licensing Manager be authorised to make any further minor clarifications/ changes necessary to the policy, to align the policy as closely as possible with the other West Yorkshire & York Authorities and meet the preferences of Licensing Committee Members, officers and stakeholders in Leeds.
- (vi) That the Chair be requested to write on behalf of the Licensing Committee to Councillor M Iqbal, Chair of the West Yorkshire Police and Crime Panel highlighting the delay in handling Police Disclosure requests from the City Council and to seek his support in bringing this matter to the attention of the Police and Crime Commissioner for West Yorkshire

44 Licensing Committee Work Programme

RESOLVED – To approve the contents of the Licensing Committee Work Programme for 2019/20

45 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 8th October 2019 at 10.00am in the Civic Hall, Leeds.