

Licensing Committee

Tuesday, 5th November, 2019

PRESENT: Councillor B Garner in the Chair

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

58 Appeals Against Refusal of Inspection of Documents

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

59 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.

60 Late Items

Although there were no late items of business, the Chair accept the inclusion of Supplementary information in the form of correspondence from the Secretary of Eurocabs Hackney Carriage Association, who wished to make representation in respect of Agenda Item No.8 - Taxi and Private Hire Licensing – Cross Border Working and Responses (Minute No. 65 referred)

61 Declaration of Disclosable Pecuniary Interests

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

62 Apologies for Absence

Apologies for absence were received for Councillor A Wenham.

63 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meetings held on 8th October 2019, were accepted as a true and correct record.

64 Matter Arising from the Minutes

There were no issues raised under Matters Arising.

65 Taxi and Private Hire Licensing - Cross-Border Working and Responses

The Chief Officer, Elections and Regulatory submitted a report which provided an overview of cross-border working, and the response from Central Government, various Working Groups, Taxi and Private Hire Operators and Licensing Authorities in the UK.

The Taxi & Private Hire Licensing Manager explained that taxi and private hire vehicles had been able to work away from their licensing district because of changes in the use of technology and since deregulation of some areas of taxi and private hire licensing in 2015. Private hire vehicles licensed by other authorities (including some which do not border Leeds) were a common sight in Leeds.

Members noted that, whilst these vehicles could add to the supply of vehicles and customer convenience, there were a range of issues which could have implications for the taxi and private hire trade, licensing authorities and central government.

The Taxi & Private Hire Licensing Manager reported that there had been a rise in cross-border working in Leeds and West Yorkshire in recent years which had highlighted a number of issues:

- Observed and recorded vehicles – other licensing authorities in Leeds, and Leeds in other authorities;
- Driver licences and home postcodes;
- The effect of regional geo-fencing;
- Perceptions/views on cross-border working;
- The implications for licensing authorities;
- Current licensing and enforcement responses, including West Yorkshire & York; and
- Possible future licensing and enforcement responses.

Reference was made to the use of smartphone apps which enabled customers to book and pay for their taxi/ private hire journeys using their phones. Members queried if the technology/ operator was able to allocate a local driver to a local booking.

In responding the Taxi & Private Hire Licensing Manager said there was no reason why a local driver could not be allocated to a local booking, but operators would need to change their operating methods to allow customers to preference a local driver.

It was suggested by Members that Leeds had robust driver/ operating conditions, could the same operating conditions be imposed on national operators working in Leeds.

Members were informed that national operators working in Leeds could be asked to change their operating conditions but it was a question of public safety and evidence was required if operating conditions were to change.

Members queried the number of drivers registered in Leeds but who did not have an LS postcode

Members were informed that of 4,983 current taxi and private hire drivers renewing their licence with Leeds in 2019, just over 55% (2,738) lived at a 'Leeds' or LS postcode, with 36% (1,814) living in Bradford or a BD postcode, with just over 2% living elsewhere in West Yorkshire (62 at an HX postcode, 42 at an HD postcode and 8 at a WF postcode).

Members queried why drivers working in Leeds would seek to register elsewhere.

Members were informed that the driver operating standards/ conditions were far more robust in Leeds than some other smaller authorities who did not necessarily have the resources to operate to the same standards as Leeds

Commenting on the effect of regional geo-fencing, Members were informed that Transport for London (TfL) had successfully introduced geo-fencing, the intention was now to progress the issue at a West Yorkshire & City of York harmonisation Working Group.

Members were generally supportive of geo-fencing, but suggested more district working would be welcomed to address cross border working.

Commenting on the perception/ views on cross-border working, officers acknowledge this was a highly divisive issue in the taxi and private hire trade, who were of the view that the law had not kept pace with the modernisation of the taxi/ private hire car industry.

Referring to the implications for licensing authorities, the Taxi & Private Hire Licensing Manager said there was now a lot of pressure on local authorities to ensure vehicles checks were undertaken but this was difficult when drivers were operating outside their registered area, there was a lack of national enforcement powers.

On the issue of enforcement action, Members referred to an unofficial taxi rank to the side of the Leeds Railway Station where private hire vehicles would wait "plying for hire". Members asked what action was been taken to address the issue.

Members were informed that officers carried out enforcement duties within the city centre, the current conviction rate was 10%. It was often the case that after dropping off at the Railway Station, drivers would then wait until they had another fare.

Trade representatives in attendance at the meeting and invited to speak by the Chair said, the taxi/ private hire fleet had increased substantially over the years, there was now a need for more enforcement officers which should be funded via the licence fees.

Referring to operational control the Chair asked if other authorities were looking to address cross-border issues.

Members were informed that large authorities with a Mayor were seeking to develop the same licensing regime.

Commenting on the issue of “more forensic check of journey records of out of town vehicles” the Taxi & Private Hire Licensing Manager said such information was difficult to obtain and also it was difficult to know if it was accurate.

Additional conditions on app based operators – Members were informed that such conditions would allow customers to preference a local driver, but it was understood there was little interest from members of the public.

The Chair thanked Members, the Trade and officers for their contributions, suggesting further updates on cross-border working would be provided in due course.

RESOLVED –

- (i) To note the current position on cross-border working as observed in Leeds, including vehicles not licensed in Leeds and recorded by the council as likely to be working in Leeds, and others licensed in Leeds but likely to be working elsewhere.
- (ii) To note the range of responses which are available to different areas of government, and to the trade itself, including additional licensing conditions, in the absence of UK legislation.

66 Taxi and Private Hire Licensing - Update on West Yorkshire & City of York authorities' Policy Harmonisation

The Chief Officer, Elections and Regulatory submitted a report which provided an update on the purpose and progress of the taxi and private hire policy harmonisation across the six authorities.

The Taxi & Private Hire Licensing Manager explained that the primary aim of the West Yorkshire and City of York authorities was to increase or strengthen the standards of some authorities to meet an agreed minimum standard, so that there was no weak licensing link in the region, which would affect passengers throughout the region because of the prevalence of cross-border journeys and cross border working.

Members were informed it would still be possible for an authority to have standards above the minimum, for example where local circumstances required, but all authorities would be at or above the agreed minimum standard for:

- CCTV in vehicles;
- Convictions policy;
- Vehicle specifications;

- Driver training;
- Information sharing between authorities; and
- Effective cross-border enforcement.

Section 3.10 of the submitted report provided an update on each of the above areas Referring to CCTV in vehicles, Members queried if drivers were supportive of the scheme.

The Taxi & Private Hire Licensing Manager said the use of CCTV in vehicles was welcomed by both drivers and operators. There were a number of issues to be addressed around funding of the equipment and a preferred supplier of the equipment was still to be identified.

On the issue of the Convictions/ Suitability Policy Members were informed that all six authorities have now agreed to implement very similar Suitability and Convictions policies, based on that developed by the Institute of Licensing, Lawyers for Local Government, National Association of Licensing and Enforcement Officers. Five authorities consulted between November 2018 and January 2019, and developed a policy which departed from the national policy guidance. Bradford City Council did not undertake consultation, but engaged with the local licensed trade, and its February 2019 Regulatory Committee in January 2019 planned to adopt the policy for new applicants, but amended paragraph 17 to state would not apply it at renewal. Calderdale, Kirklees, Wakefield and York adopted the new policy between May and September 2019. Leeds adopted the policy, with a number of additions in October 2019.

Members were informed that work on Vehicle Comfort and Passenger Safety was ongoing but more work was required. It was reported that significant work had been undertaken to identify those elements in each of the six authority vehicle specifications which relate to safety and passenger comfort including the vehicle testing regimes and to assess the feasibility of harmonising them.

The Taxi & Private Hire Licensing Manager reported that a draft Driver Training Policy was agreed across the area to include requirements to undertake training in a range of areas including tests as necessary (for example, an English Test). Five of the six authorities agreed to go out to consultation on the draft policy. The consultation exercises concluded in January 2019. The responses have been considered collectively and appropriate amendments made. The final policy were considered by the five Councils between March and July 2019 for adoption for new drivers on 1st September 2019 and for drivers on renewal from a date to be determined in 2020.

In respect of Information Sharing Members noted that all six authorities were regularly sharing information; enforcement action, investigating complaints, and concerns about previously refused and revoked drivers. All six Authorities were expected to sign up to the new National Register (NR3) which holds information of all refusals and revocations of taxi and private hire driver licences.

On the issue of Cross Border Enforcement, Members noted that all six authorities amended their constitutions to authorise enforcement officers from the other authorities to take some action against their own drivers and vehicles. This authorisation falls short of the national enforcement powers recommended in the 2018 Task and Finish group report (which specified that an enforcement officer could take full enforcement action against any licensed vehicle or driver anywhere in the UK),

In terms of future regional co-operation and collaboration, Members were informed that the Statutory Guidance on Taxi and Private Hire Vehicle Licensing: Protecting Users, which was consulted upon by the Department for Transport between February and April 2019 was likely to be issued in the new year.

Members welcomed the update on the Policy Harmonisation, commenting that this was an important issue which was all about passenger safety, the harmonisation process had been ongoing for some considerable time now and was important that it soon reaches conclusion, had a timescale for its conclusion been identified yet.

In responding the Taxi & Private Hire Licensing Manager said Leeds had led in progressing the matter but it required the support of other authorities to bring the issue to conclusion.

RESOLVED –

- (i) To note the objectives and progress made on policy harmonisation in West Yorkshire and City of York Authorities
- (ii) To note the remaining objectives and possible future areas of co-operation, collaboration and implications for the work programme, finance and resources

67 Licensing Committee Work Programme

Following discussion at today's meeting, it was agreed that the De-Brief Report for the Leeds Festival 2019 Event scheduled to be submitted to the January meeting of this Committee be now brought forward to the December meeting.

RESOLVED – That with the inclusion of the above, the Licensing Committee Work Programme be approved

68 Date and Time of Next Meeting

RESOLVED - That the next meeting of the Committee arranged for Tuesday, 10th December be now rescheduled to Tuesday, 3rd December 2019 at 10.00am in the Civic Hall, Leeds.