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**LICENSING COMMITTEE**

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**MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
TUESDAY, 5TH NOVEMBER, 2019 AT 10.30 AM**

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**MEMBERSHIP**

N Buckley - Alwoodley;  
R Downes - Otley and Yeadon;  
B Flynn - Adel and Wharfedale;  
A Garthwaite - Headingley and Hyde Park;  
H Bithell - Kirkstall;  
P Drinkwater - Killingbeck and Seacroft;  
B Garner (Chair) - Ardsley and Robin Hood;  
C Knight - Weetwood;  
A Hutchison - Morley North;  
P Latty - Guiseley and Rawdon;  
J Lennox - Cross Gates and Whinmoor;  
A Marshall-Katung - Little London and Woodhouse;  
A Wenham - Roundhay;  
P Wray - Hunslet and Riverside;

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></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><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence (If any)</p>	
6			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To consider and approve the minutes of the last meeting held on 8<sup>th</sup> October 2019.</p> <p>(Copy attached)</p>	1 - 6
7			<p><b>MATTER ARISING FROM THE MINUTES</b></p> <p>To consider any Matters Arising from the Minutes</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p><b>TAXI AND PRIVATE HIRE LICENSING - CROSS-BORDER WORKING AND RESPONSES</b></p> <p>To consider a report of the Chief Officer, Elections and Regulatory which explains the current state of 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.</p> <p>The report also informs Members of the range of responses which are available to different areas of government, and to the trade itself. This may include additional licensing conditions, in the absence of UK legislation.</p> <p>(Report attached)</p>	7 - 18
9			<p><b>TAXI AND PRIVATE HIRE LICENSING - UPDATE ON WEST YORKSHIRE &amp; CITY OF YORK AUTHORITIES' POLICY HARMONISATION</b></p> <p>To consider a report of the Chief Officer, Elections and Regulatory which provides an update on the purpose and progress of the taxi and private hire policy harmonisation across the six authorities.</p> <p>The aim of the collaboration is for the authorities to work more closely together to strengthen any areas of weakness in licensing or enforcement across the region, which would place the travelling public at risk.</p> <p>(Report attached)</p>	19 - 28
10			<p><b>LICENSING COMMITTEE WORK PROGRAMME</b></p> <p>To note and approve the contents of the Licensing Committee Work Programme for 2019/20.</p> <p>(Report attached)</p>	29 - 30

Item No	Ward/Equal Opportunities	Item Not Open		Page No
11			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note that the next meeting will take place on Tuesday, 10<sup>th</sup> December 2019 at 10.00am in the Civic Hall, Leeds.</p> <p><b>Third Party Recording</b></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>	
2				
a)				
b)				

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## Licensing Committee

Tuesday, 8th October, 2019

**PRESENT:** Councillor B Garner in the Chair

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

### Councillor Gerald Wilkinson

The Chair referred to the recent death of Councillor Gerald Wilkinson. In paying tribute the Chair said Gerald had been a long standing Member of the Licensing Committee for many years, he had been on the City Council for twenty years, serving on a variety of Committees including: Plans Panels and the Outer North East Community Committee which he had Chaired for a considerable time. He was well respected and his contributions and experience would be sadly missed.

### 46 Appeals Against Refusal of Inspection of Documents

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

### 47 Exempt Information - Possible Exclusion of the Press and Public

**RESOLVED** – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication 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 as follows:-

Agenda Item 10 – Policing and the Night Time Economy was designated as exempt under Access to Information Procedure Rules 10.4 (1) because it referred to information relating to an individual.

### 48 Late Items

There were no Late Items identified.

### 49 Declaration of Disclosable Pecuniary Interests

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

### 50 Apologies for Absence

Apologies for absence were received for Councillors: C Knight and A Wenham.

## **51 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meetings held on 3<sup>rd</sup> September 2019, were accepted as a true and correct record

## **52 Matters Arising from the Minutes**

Taxi & Private Hire Licensing – Proposed Suitability Policy and Update on Policy Harmonisation with West Yorkshire & York Authorities (Minute No.43 referred) – The Chair reported that the letter to the Chair of the West Yorkshire Police and Crime Panel highlighting the delay in handling Police Disclosure requests from the City Council and seeking his support in bringing the matter to the attention of the Police and Crime Commissioner for West Yorkshire, had been sent.

## **53 The Victoria Gate Casino - Social Inclusion Funding and the New Northern Gambling Clinic**

The Chief Officer, Elections and Regulatory submitted a report which provided an update on the Social Inclusion Fund provided by Victoria Gate Casino and information on the work being undertaken to improve awareness of, and support for problem and at risk gambling in Leeds.

The Chair introduced and welcomed: Joanna Rowlands, Financial Inclusion Manager, Communities & Environment and Dan Hall, NHS Northern Gambling Service who spoke in detail on the following issues:

- Social Inclusion Fund – Funding targeted at projects to improve financial inclusion, alleviate poverty and mitigate the harmful effects of gambling
- Gambling awareness – The funding of campaigns to raise awareness of available support services
- Gambling Support – The provision of accommodation to support / host the Northern Gambling Services and Leeds Community Gambling Service
- Healthy Holiday's Programme – Funding to deliver the Healthy Holiday Programme in 2019/20
- Food Poverty – Support to Fareshare, Yorkshire's food distribution centre network Leeds and the Leeds Aid Network
- Leeds Credit Union – Assisting in accessing affordable locally based financial services
- Problem Gambling Research – Funding to commission research into problem gambling in Leeds.
- Training and Awareness Sessions
- Improving the provision of support in the city – NHS Northern Gambling Service and the Leeds Community Gambling Services

In providing further details about the NHS Northern Gambling Service, Mr Hall explained the service was based in Leeds, but would also serve the whole of the north of England and would have satellite bases in Manchester and Newcastle. The idea was that wherever you live in the North of England, you would have access to

the same services and interventions as those who can easily access the main base in Leeds.

Members were informed the service would treat people with the most serious and complex needs in terms of problem Gambling. It was reported that the service would be clinically led by a Consultant Psychologist, with a team consisting of mental health nurses, a psychologist, a psychiatrist, and a carer's support worker. There would also be a research element within the service to evaluate the interventions and potentially develop future treatment models.

Referring to the community venues which would provide treatment throughout the city, Members suggested adding schools to the list of community venues.

In responding officers said, many young people had gambling issues but it was the people who were affected by the gambling associated issues who would receive the treatment and these people were not necessarily the gamblers.

With reference to referrals for assessment and the "every door is the right door" approach, the Chair asked if the Leeds Social Prescribing Service and pharmacies were aware they could make referrals.

Members were informed that anyone could make a referral but the individual concerned must be willing to engage.

Members queried how issues associated with problem gambling were measured/monitored.

It was report that the City Council were working with Leeds Beckett University who were conducting a study into the prevalence of problem gambling in Leeds. The aim was to provide a baseline and guide funding of projects to prevent, and mitigate adverse effects of problem gambling.

Members queried if a levy could be put on Gaming Companies to tackle the issues of problem gambling.

It was report that the Victoria Gate Casino annually contributes to the Social Inclusion Fund (SIF), funding was also provided by the NHS

Referring to the Social Inclusion Fund, Members queried if funds could be targeted at a particular area.

Members were informed that it was possible to target funds at a particular area, schools in the most deprived areas of the city was put forward as an example.

The Chair thanked officers for their attendance and contribution.

## **RESOLVED –**

- (i) That the contents of the report be noted

- (ii) That an update on the Victoria Gate Casino be included in the Licensing Annual Report brought to Licensing Committee and full Council in March each year.

#### **54 Taxi and Private Hire Licensing - Policy for Using Database of Refused and Revoked Taxi and Private Hire Drivers**

The Chief Officer, Elections and Regulatory submitted a report which sought the approval of the Committee for a new policy for Taxi & Private Hire Licensing to use the National database.

The report explained that the Taxi and Private Hire Licensing service had finalised its arrangements for using the national database of refused and revoked drivers. The new register would allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence had been refused or revoked, and allow licensing authorities to check new applicants against the register and help prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure, and adhere to UK GDPR regulations.

Members were informed that the database would only include basic information: name, date of birth, address and contact details, national insurance details, driving licence number, decision taken, date of decision and date decision effective. Any authority searching the database and finding these brief details may then decide to submit an information disclosure form to the original licensing authority.

Commenting on the proposal, Members queried if Licensing Officers ever used the services of a third party tracing company.

Members were informed that such companies were used to obtain witness information but not used for Licensing issues, and this would be considered for checking the current addresses of people whose licences were refused or revoked some considerable time ago.

Members asked if Enforcement Officers on patrol, would be able to access the NR3 database using a hand held device.

The Taxi and Private Hire Licensing Manager explained that currently access the NR3 database using a hand held device was not available to officers in Leeds, but contact would be made with the National Anti-Fraud Network to see if this was possible.

Members queried how further information could be obtained if there was insufficient detail on the national database and there was a suspicion around an individual.

Members were informed that a Declaration Request Form would be sent to the local authority who previously registered that driver, explaining there was a concern about an individual and could further information be provided.

The Chair queried if there would be problems or gaps in the system should drivers choose to appeal against their details being on the national database.

It was reported drivers not wishing their details to appear on the register could appeal to the council, and would have an opportunity to take their appeal to the Information Commissioner if the council refuses to uphold their appeal.

Members asked if other neighbouring local authorities were introducing similar policies to use the national database.

Members were informed that all neighbouring local authorities were looking to introduce access to the national database at the same time (November 2019 – January 2020)

Members queried if access to the database would be more time consuming for officers.

The Taxi and Private Hire Licensing Manager said that checking the national database as part of a number of background checks may be more time consuming, currently there would be no extra resource required, but this may need to be kept under review.

In drawing the discussion to a conclusion the Chair suggested that Members appeared to be supportive of the proposed new policy.

**RESOLVED** – To recommend to the Executive that the new policy for Taxi and Private Hire Licensing to use the national NR3 database be approved (with effect from 1<sup>st</sup> November 2019)

## **55 Policing and the Night Time Economy**

The Committee received a report of the Chief Officer, Elections and Regulatory regarding policing and the night time economy.

Members received a presentation from Sergeant Cath Arkle, West Yorkshire Police, who spoke about Policing and the night time economy.

A summary of the issues/ incidents involving licensed premises principally in the City Centre was presented.

(Due to the confidential nature of the information being presented, this part of the meeting was held in closed session)

The Chair thanked Sergeant Arkle for her attendance and presentation commenting that the session had been informative and interesting.

**RESOLVED** – That the report and presentation from West Yorkshire Police be noted.

## **56 Licensing Committee Work Programme**

Following discussion at today's meeting, the subsequent items be added to the Committee's Work Programme:

Draft minutes to be approved at the meeting  
to be held on Tuesday, 5th November, 2019

- Taxi & Private Hire Licensing – Update on Policy Harmonisation Project including shared Priorities with West Yorkshire & York Authorities (November 2019)
- Taxi & Private Hire Licensing – Cross Border Working and Local Authority Activity (November 2019)
- Debrief Report following Leeds Festival 2019 (December 2019)

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

#### **57 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Tuesday, 5<sup>th</sup> November 2019 at 10.00am in the Civic Hall, Leeds.



Report author: Andrew White  
Tel: 0113 3781562

**Report of the Taxi & Private Hire Licensing Manager**

**Report to the Licensing Committee**

**Date: 5 November 2019**

**Subject: Taxi and Private Hire Licensing – Cross-border working and responses**

<b>Are specific electoral Wards affected?</b>	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
If relevant, name(s) of Ward(s):		
<b>Are there implications for equality and diversity and cohesion and integration?</b>	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
<b>Is the decision eligible for Call-In?</b>	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
<b>Does the report contain confidential or exempt information?</b>	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**1. Summary of main issues**

Members of the Licensing Committee are asked to read and consider an overview of cross-border working, and the responses from central government, working groups, operators and licensing authorities in the UK.

Taxi and private hire vehicles have 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) are a common sight in Leeds. The report highlights that, while these vehicles can add to the supply of vehicles and customer convenience, there are a range of implications and possible responses for passengers, the local and regional taxi and private hire trade, licensing authorities and central government.

**1.0 Purpose of this report**

- 1.1 To provide a current position on the state of cross-border working as observed in Leeds. This includes 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.
- 1.2 To inform committee members of the range of responses which are available to different areas of government, and to the trade itself. This may include additional licensing conditions, in the absence of UK legislation.

## **2.0 Background information**

- 2.1 The role of the Taxi and Private Hire Licensing service has long been recognised as an important council function in ensuring that the travelling public are safe with professional drivers who have attained good standards, safe vehicles, and a dedicated enforcement team.
- 2.2 Licensing authorities are required to satisfy themselves that those holding licences are 'fit and proper' to do so. This is carried out, firstly during the determination of an application for a licence, and then at any time during the duration of a licence, for example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.
- 2.3 Under the requirements of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority requires that the driver, the vehicle, and the operator (for private hire vehicles) are all licensed and licensed by the same authority. The licensing regime is primarily local in its intention and effect – the licensing authority responsible for granting licences should have the ability to exercise control over the drivers and vehicles in its area, in order to maintain passenger safety and public confidence.
- 2.4 A number of developments have taken place in recent years to undermine the ability of a local licensing authority to exercise effective control over the vehicles being driven regularly in its area. First, there has been a significant growth in use of smartphone apps and associated technology. Second, there has been the entry into the private hire sector by new operators, with less of an interest in the principle of local licensing. Third, the Deregulation Act 2015 amended the existing law to enable operators to subcontract across licensing authority borders without equipping licensing authorities with the powers to carry out effective enforcement functions in respect of licence holders licensed by other authorities. Fourth, there has been an increase in 'licence shopping', where drivers apply or are encouraged to apply to one authority while intending to work in another authority.
- 2.5 These developments were recognised by the Task and Finish Group on Taxi and Private Hire Vehicle Licensing in its report in October 2018. The group's recommendations included:
- National Minimum Standards;
  - National Enforcement Powers; and
  - A National Licensing Database.
- 2.6 The group also drew attention to the effects of cross-border working, not falling wholly within licensing concerns for public safety, but having an impact on public safety, including on driver working conditions, hours of work, take home pay.

Recommendation 11 states:

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see recommendation 6) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

2.7 The response from central government was to develop proposals for Recommendation 2 – common minimum standards, in its Statutory Guidance in February 2019. However, the statutory guidance did not contain any specific guidance about cross-border working, perhaps in part because Recommendation 4 of the group was to move away from local to regional or city-regional licensing areas, such as those linked to metropolitan mayors.

2.8 In February 2018, Knowsley MDC lost a judicial review of its new Intended Use policy, which sought to have drivers commit to work 'predominantly' in the Knowsley district, or their licence could be refused or revoked. The judge said:

A driver's licence in the present context is generic, not specific, it is a licence to drive any PHV provided the PHV and the operator are both licenced by the authority for the same controlled district. I do not think a driver with an impeccable driving record can be fit to hold a licence in Knowsley, yet become unfit if he or she happens to move to Cornwall. If you are fit and proper in Gateshead, you are fit and proper in Minehead.

2.9 In March/April 2018, Uber GB changed how it operates in the UK. Previously, an Uber driver could be licensed in London and work in Leeds. The new arrangements required drivers to pass local driver tests and take training, and for their vehicles to meet the local vehicle conditions. Uber GB has "geo-fenced" on a regional basis, so that drivers licensed outside Yorkshire are not able to be given bookings for passengers wishing to start their journey in Yorkshire.

2.10 So in trade and policy arenas there has been an ongoing discussion about cross-border working, and a broad awareness that local licensing authorities currently lack the legislative means to take effective action for drivers and vehicles working in their licensing area. The legislation may take years to develop, and it may also include a requirement, such as the journey to start or finish in the licensing authority, which many licensing authorities and areas of the trade would find difficult to support.

### **3.0 Main issues**

3.1 The council's Taxi and Private Hire Licensing service has monitored the rise in cross-border working in Leeds and West Yorkshire for a number of years. The main issues discussed here are as follows.

- 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.

## Observed and recorded out of town vehicles

3.2 It is salient to recognise the difference between a cross-border *journey* where a passenger wishes to go from one district to another, and a pattern of cross-border *working*, where the driver chooses to work, and is enabled by the operator, for a significant part of their working week outside of their licensing district. For the former, Leeds district in general and Leeds city centre in particular have a high number of highly important destinations in the region and city region. Leeds has three major universities, an international airport, a major railway station, and a vibrant night-time economy, and each contributes significantly to the demand for taxi and private hire journeys to and from Leeds from other towns and districts in the region. For the latter, Leeds' night-time economy attracts in excess of 100,000 people on a Friday and Saturday night between 5pm and 5am, and there are limited public transport services after 11pm, contributing to a high demand for vehicles at the end of a night out.

3.3 The taxi and private hire licensing team has been keeping a note of the numbers of taxi and private hire vehicles observed by our CCTV van and recorded as part of an on street check. In 2019, the council has recorded the number plates of 144 out of town vehicles:

95 Bradford

19 Calderdale

26 Kirklees

4 Wakefield

We have no number plate records for vehicles licensed by any other licensing authorities. In 2017 and 2018, the list of vehicles' licensing authorities included Rossendale, London, Anglesey, and range of other authorities distant from Leeds. This suggests that the 2018 Uber arrangement to ring-fence journeys to Yorkshire & Humber licensed drivers has had the effect of removing the vehicles from other regions.

3.4 Leeds and five of the neighbouring authorities have developed cross-border enforcement powers, so that each authority's enforcement officers can inspect vehicles and talk to the driver of vehicles licensed by any of the other authorities. The taxi and private hire licensing team has also records of every vehicle licensed by a different licensing authority which was either inspected on street or the driver was spoken to. In 2019, the council has recorded 104 on street checks:

66 Bradford

11 Calderdale

22 Kirklees

5 Wakefield

We have no records of any on street checks of vehicles licensed by any other licensing authorities. In 2017 and 2018, the list of on street vehicle checks' licensing authorities included Rossendale, Exeter, Brentwood, Wolverhampton, and a range of other authorities distant from Leeds. This suggests that the 2018 Uber arrangement to ring-fence journeys to Yorkshire & Humber licensed drivers has had the effect of removing the vehicles from other regions.

3.5 The other sources of information, such as complaints, feedback, photographic evidence without a number plate or vehicle badge number, suggest that there are

hundreds of vehicles working regularly in Leeds while licensed elsewhere in West Yorkshire.

### **Driver licences and home postcodes**

- 3.6 It is also important to note that the developments supporting and enabling drivers from outside Leeds to work in Leeds also support and enable Leeds drivers to work outside Leeds. It is not clear how many Leeds drivers are predominantly working outside Leeds.
- 3.7 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).
- 3.8 The council's Taxi and Private Hire Licensing team undertakes joint operations with each of the neighbouring authorities in West Yorkshire and City of York, and recently received a complaint about Leeds drivers working in Sheffield, which is currently being investigated. In particular, attention can be drawn to regional events with many tens of thousands of visitors and likely to draw out of town drivers to work, and discussed below in the section on operators' views.
- Leeds Festival (c.60,000 visitors each day for three days);
  - Events such as Ed Sheeran in Roundhay Park (68,000 per night);
  - Major sporting or music events, at Headingley or Elland Road stadia; and
  - York Races (various events during the year);

### **The effect of regional geo-fencing**

- 3.9 The challenges posed by new technology may also be addressed in licensing conditions or in policy proposals developed by the operators and companies utilising the new technology. This also may be a fruitful line of future licensing policy.
- 3.10 The arrangements put in place by Uber GB in the second quarter of 2018 require drivers to be licensed in Yorkshire and the Humber in order to be visible to passengers using the Uber app. The effect of the arrangements were for around 100 additional drivers to be licensed by Leeds and working for Uber, and presumably a similar increase in the five other licensing authorities in the region where Uber has an operators' licence. The arrangements have also shown a significant reduction in the anecdotal and the recorded details of vehicles licensed outside West Yorkshire.

### **Perceptions on cross-border working**

- 3.10 Cross-border working is perhaps the dominant issue in taxi and private hire trade discussions. In every consultation the council has undertaken, and in almost every policy discussion, the issue of cross-border working has arisen.
- 3.11 The current legal/case law on cross-border working were discussed in section 2 regarding the Task and finish group and in the Knowsley case, and also in the legal considerations in section 6. Nonetheless it is evident that cross-border working is a highly divisive issue in taxi and private hire trade, licensing, enforcement, policy development, between different licensing authorities and central government.

- 3.12 The growth of cross-border working cannot be detached from the entry into the private hire industry of new providers who utilise smartphone apps across a number of licensing authorities. It is because of the app and through the app that the passenger can book a vehicle, and because of the app and through the app that the vehicle is visible on the app. This arrangement would not be possible on such a scale if the booking had to be made by a phone call or a face to face visit, which is the interaction the lawmakers had in mind when writing the legislation in the Local Government (Miscellaneous Provisions) Act 1976.
- 3.13 Drivers and passengers who use the app therefore accept that in many areas the vehicle which can be booked may not be licensed in the district where the journey starts. What passengers may not understand is that the driver or vehicle in a small number of cases would not be licensed in that licensing authority.
- 3.14 The view of the taxi and private hire trade ranges from acceptance to outright hostility to cross-border working and the expansionary model of operators such as Uber. It is often viewed as providing vigorous and unfair competition to local incumbents, driving down fares to drive out or close down competitors and then pushing fares up when demand increases. Some in the trade regard the app based model as a potentially powerful tool to help modernise the whole industry, but regard it as unfair that drivers and large scale operators can 'licence shop', choosing the authority with the cheapest, friendliest, or weakest licensing regime, fewest background checks, and locally established firms cannot.

#### **Implications for licensing authorities**

- 3.15 Cross-border working has a range of implications for licensing authorities. Primarily, its main impact is to undermine the principle of local licensing, and have a possibly counterintuitive impact on regulatory workloads and licensing fees, with lower levels of enforcement and lower fees. The most recent Department for Transport taxi statistics bulletin shows an enormous variation between the number of licenced vehicles in authorities between 2018 and 2019. In Lewes the number of vehicles licenced increased by 91%, in Aylesbury Vale (by 64%) and Wolverhampton (62%), and the fall over the same period in Rossendale (50%), Telford and Wrekin (34%) and St Albans (37%). It is highly unrealistic to assume local demand has risen and fallen naturally in those districts, so it is a fair conclusion that cross-border working is playing a major factor, and that large app based operators are working regionally, not locally.
- 3.16 Because taxi and private hire licensing is either largely or wholly ring-fenced (operating budgets based on fee income), the pattern of large scale shifts in licensing can lead to significant changes in workloads for licensing, administration, enforcement, and in the level of fees. A local authority with a rise in applications for drivers and vehicles, may not implement the enforcement improvements needed to keep pace with the increase, and so the per head licensing fee cost may fall, making it an even more attractive place to be licensed for licence shoppers.
- 3.17 The challenge for local authorities is multiple. First, there is a chance that the licence shopping applicant has chosen to apply to be licensed in an authority with lower fees, or lower standards of DBS or other background checks, or a lack of a clear and effective policy about fit and proper person. In such cases, there is a risk that a driver could work in Leeds by being licensed by an authority with less rigorous checks or standards. Similarly, the local licensing authority will receive requests to lower or remove conditions and requirements to compete with the authority with the lowest or fewest standards.

- 3.18 Second, there is a risk of confusion on the part of the travelling public, which might lead to a reluctance to complain or provide feedback about a bad experience. Should the passenger complain to the authority where the problem occurred or to the licensing authority which granted the licence, which might be many miles away? The passenger may decide not to bother, and potentially useful information is not shared and not acted upon.
- 3.19 Third, it is physically much more difficult for the issuing licensing authority to check on the vehicles and drivers who are working miles away from the licensing office and inspection bay. Licensing authorities need to make contact with each other to co-ordinate enforcement and ensure that action to address complaints and on street inspections.
- 3.20 Fourth, authorities do not possess national enforcement powers whereby any enforcement officer would have the power and authority to insist that a driver licensed by another council talk to him or her, and allow the vehicle to be inspected. The council has anecdotal information that before 2017, drivers from other authorities often refused to speak to our enforcement officers.
- 3.21 Fifth, in many cases, the fees, from which ultimately part of the costs of administration, compliance and enforcement are funded, are paid to the home licensing authority which may not be the authority in which the licensee predominantly operates and where at least some of those costs may be incurred. The licensing authority where the cross-border vehicle is driven, receives no funding from the fee. As a result, there is a significant workload pressure or an increased fees burden for the drivers, vehicles and operators who are licensed in that district. To illustrate, if there were 800 drivers and 800 vehicles regularly working in Leeds, but being licensed elsewhere, Leeds City Council is carrying out some enforcement and on street inspection and information sharing activity with the home authority for those vehicles. The loss of income or pressure on the current licence regime is:

800 x licence renewal (£150)	= £120k
800 x vehicle renewal (£135)	= £108k
Total	= £228k

### **Current licensing responses and WY&Y response**

- 3.22 The UK response to cross-border working and licence shopping has been to revise policies and conditions, often on a collaborative basis, and sometimes on a centralising basis, to reduce the motivation to be licenced in one authority and work in another. The Task and Finish Group recommended alongside national legislation/powers and IT systems, that authorities adopt minimum standards, which guaranteed a common minimum level below which an authority would not fall, but still permitted authorities to put in place local policies or conditions at a higher or more demanding level as deemed appropriate.
- 3.23 In our region, the five West Yorkshire and City of York authorities have combined to work together to harmonise licensing polices and supporting arrangements, with a view to reducing the risk of harm to people in the region caused by a weak link in licensing, or a failure to act on information. In the North West, the ten Greater Manchester authorities have started consultation on minimum standards. Both projects seek to develop shared or very similar policies, but require political and organisational support to bring the whole region up to the same minimum standards.

- 3.24 Under the West Yorkshire and City of York collaborative arrangements, each authority's enforcement team has reciprocal powers to inspect on street each other authority's vehicles and to take immediate action to take unroadworthy or dangerous vehicles off the road. In Leeds, plying for hire operations are organised at locations where out of town vehicles are likely to operate.
- 3.25 In Leeds, these powers and operations are supported by joint operations between Leeds and other licensing authorities, and were also supported by funding for Operation Control from the West Yorkshire Police and Crime Commissioner. This work on Friday and Saturday nights equates to between a third and a half of all on street inspections carried out.

### Operation Control

Aim – improve public safety in Leeds City Centre

From October 2017 to July 2019, c. 190 Friday and Saturday nights

Cost around £50,000 (WYPCC)

2 West Yorkshire Police traffic officers and 2 vehicles

Vehicles inspected: 1656 (around 75 inspections per month)

Action:

Satisfactory	967	58%
Pass and advise	247	15%
Suspension	175	11%
Rectification	135	8%
Review of suspension	99	6%
Warning letter	23	1%
Advice given	10	1%

Out of town vehicles inspected: 327

Out of town drivers of interest to the police: 22

### Possible future licensing policies and enforcement responses

3.26 Looking forward, in the absence of changes to national powers and legislation, there are a number of areas where future licensing policies and enforcement responses may take shape. The following are suggested areas to investigate, starting with the more general, moving to the more specific.

- **Regional definition of 'cross border' and 'out of town'.** The Task and Finish group recommended that consideration be given to licensing on a city-region basis, such as West Yorkshire. This opens up the question about whether the five West Yorkshire authorities could agree on a common definition of cross-border or out of town. Should it continue to be any vehicle not licensed by Leeds? Or should it be any vehicle not licensed by an authority which does not have a geographic border with Leeds (i.e. only Bradford, Harrogate, North Yorkshire, Selby, and Wakefield). Or should it be limited to West Yorkshire (i.e. only Bradford, Calderdale, Kirklees, and Wakefield)? Or could some other definition be used?

- **More forensic check of journey records of out of town vehicles.** The recommendation that journeys should either start or end in the licensed district suggests that it is possible for licensing authorities to contact operators and drivers to request more information about their movements, the bookings and information about where the vehicle was between the bookings. At present, Leeds has limitations about the number and data and time of bookings it can request, with a two hour time window it can request for journeys, which does not enable the council to build up a picture of how out of town vehicles are being used.
- **Additional conditions on app based operators.** It may be possible to place additional conditions on the operator licence for operators who are applying to be licensed in Leeds and are also licensed in other authorities. If it is not legal to place intended use conditions, consideration might be given as to whether it would be possible to require operators using apps and working in both Leeds and other areas to insert an additional question in the journey booking process for journeys originating in Leeds: ‘We have drivers and vehicles trained and licensed by a number of authorities in your vicinity. Do you want to state a preference for a locally trained driver?’ This has the virtue of aligning with customer preference. If the customer chooses, they can prefer the local driver, and reduce cross border, or if they are not concerned, they can make an informed choice. It may be possible to conduct a survey of the public in Leeds or in the wider West Yorkshire area to gauge their views on such a proposal.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 This is a discussion paper. No new consultation is required in order to discuss the issue of cross-border working.

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

- 4.2.1 There are no implications for equality and diversity /cohesion and integration.

### **4.3 Council Policies and City Priorities**

- 4.3.1 The council’s taxi and Private Hire Licensing is in line with the following council priorities and policies.

#### **Best Council Plan**

- 4.3.2 The council’s licensing policies contribute towards the following Best Council Plan objectives:

- Keeping people safe from harm, protecting the most vulnerable.
- Improving access to affordable, safe, and reliable connected transport for young people.

#### Climate Emergency

- 4.3.3 Taxi and Private Hire Licensing also contributes towards the following Climate Emergency priority in the Council Plan:

- Improving air quality, reducing noise and emissions.

4.3.4 Leeds City Council has both a moral and legal obligation to discharge its duty of care in respect of 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 adults at risk of harm.

## **5.0 Resources and Value for Money**

5.1 This is a discussion report and does not make any estimates or forecasts about possible changes and implications for resources and value for money.

## **6. Legal Implications, Access to Information and Call In**

6.1 It is safe to say that with a range of competing interests and interested parties (a number of which may have the means and motivation to resort to the law), any firm proposals the council may seek to pursue will require scrutiny from a legal perspective at an early stage.

## **7. Risk Management**

7.1 The council has a taxi and private hire risk on its risk register relating to the risk of harm coming to a person in Leeds using a taxi or private hire vehicle not licensed by Leeds City Council. The council is the responsible organisation for regulating the taxi and private hire industry so that people in Leeds using taxi and private hire vehicles are safe and feel safe. The current assessment of the control of the risk is 'Good', but it is unlikely that the assessment would be more positive until national licensing and enforcement powers and IT systems are in place.

7.2 The council may identify further actions to address the risk. However, failing or refusing to check out of town vehicles on street is very unlikely to be considered as an option.

## **8. Conclusion**

8.1 Cross-border working, where a driver is licensed in one licensing authority and works largely or predominantly in another, is a contentious subject in taxi and private hire industry and for local authorities as regulators.

8.2 Licensing authorities are required to satisfy themselves that those working regularly in their districts are 'fit and proper' to do so. However, there are limitations about what action a local authority can take to check cross-border vehicles and drivers, which can ultimately only be addressed through new legislation and IT systems.

8.4 The report has outlined the motivations and the consequences of the recent developments, and shared the response from central, regional and local government.

## 9. Recommendations

- 9.1 To provide a current position on the state of cross-border working as observed in Leeds. This includes 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.
- 9.2 To inform committee members of the range of responses which are available to different areas of government, and to the trade itself. This may include additional licensing conditions, in the absence of UK legislation.

### Additional documents:

Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system (2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/745516/taxi-and-phv-working-group-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745516/taxi-and-phv-working-group-report.pdf)

Department for Transport Taxi and Private Hire Vehicle Licensing: Protecting Users (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf)

Department for Transport Taxi and Private Hire Statistics for England 2019 (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/833569/taxi-and-phv-england-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833569/taxi-and-phv-england-2019.pdf)

Gerald Gouriet QC Knowsley Council's 'Intended UsePolicy' is unlawful (2018)

<https://licensing-lawyer.co.uk/knowsley-intended-use-policy/>

James Button Bulletin (2018)

<http://www.jamesbutton.co.uk/Subscriber/Bulletins/May%202018.pdf>

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Report author: Andrew White  
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**Report of the Taxi & Private Hire Licensing Manager**

**Report to the Licensing Committee**

**Date: 5 November 2019**

**Subject: Taxi and Private Hire Licensing – Update on West Yorkshire & City of York authorities’ policy harmonisation**

<b>Are specific electoral Wards affected?</b>	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
<b>If relevant, name(s) of Ward(s):</b>		
<b>Are there implications for equality and diversity and cohesion and integration?</b>	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
<b>Is the decision eligible for Call-In?</b>	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
<b>Does the report contain confidential or exempt information?</b>	<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>
<b>If relevant, Access to Information Procedure Rule number:</b>		
<b>Appendix number:</b>		

**1. Summary of main issues**

Members of the Licensing Committee are asked to read and consider an update on policy harmonisation by the five West Yorkshire authorities and City of York.

Taxi and private hire vehicles have 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) are a common sight in Leeds. The report highlights that, whilst these vehicles can add to the supply of vehicles and customer convenience, there are a range of implications and possible responses for passengers, the local and regional taxi and private hire trade, licensing authorities and central government.

**2 Recommendations**

- 2.1 That committee members read the report and note the objectives and progress made on policy harmonisation in West Yorkshire and City of York authorities.
- 2.2 That committee members note the remaining objectives and possible future areas of co-operation and collaboration, and implications for work programme, finance and resources.

## **1.0 Purpose of this report**

- 1.1 The purpose of this report is to update members with the details of the purpose and progress of the taxi and private hire policy harmonisation across the six authorities.
- 1.2 The six authorities developed a collaborative approach to taxi and private hire licensing and enforcement in 2016, following the Deregulation Act 2015, the rise in cross border working, and the investigation into child sexual exploitation in Rotherham.
- 1.3 The aim of the collaboration was for the authorities to work more closely together to strengthen any areas of weakness in licensing or enforcement across the region, which would place the travelling public at risk.

## **2.0 Background information**

- 2.1 The role of the Taxi and Private Hire Licensing service has long been recognised as an important council function in ensuring that the travelling public are safe with professional drivers who have attained good standards, safe vehicles, and a dedicated enforcement team.
- 2.2 Leeds City Council has responsibility for licensing Hackney Carriage (taxi) vehicles, drivers and proprietors, Private Hire and Executive vehicles, drivers, and operators within the city. The council's primary focus is the safety of the travelling public. The council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976, which governs the licensing of Private Hire Vehicles, Private Hire Operators and drivers. The adoption of this Act also encompasses the adoption of the Town Police Clauses Act 1847, which governs the licensing of Hackney Carriages.
- 2.3 The council's policies and conditions are set and reviewed by the council's Licensing Committee. The council's policies and conditions apply to all drivers, vehicles and operators who hold the relevant licenses issued by the council. The council's Taxi & Private Hire Licensing team are responsible for making decisions relating to the application of the policies and conditions, under the council's Officer sub-delegation scheme.
- 2.4 Since 2017, officers from the five West Yorkshire Taxi and Private Hire Licensing teams and City of York have worked on the harmonisation project, and the chairs of the Licensing Committees (or equivalents) have met every other month to check progress.
- 2.5 Owing to the prevalence of cross-border working, authorities cannot work in isolation. The West Yorkshire and City of York group agreed that the collaboration approach would be more effective if the authorities were to undertake a project to align their policies and conditions more closely, establishing minimum standards in common.
- 2.6 The national trend towards local authorities being encouraged to develop minimum standards gathered momentum in the Statutory Guidance issued by Department for Transport on Taxi and Private Hire Licensing in 2018. It recommended 30 areas for improvement by local authorities.
- 2.7 This subject was last reported in detail to Licensing Committee in October 2018, so an update in progress is timely. The report presented here provides an update on the progress by the six councils on the areas proposed for taxi and private hire licensing harmonisation.

### **3.0 Main issues**

- 3.1 The council's Taxi and Private Hire Licensing service has worked with the five other authorities on six improvement themes.

#### **Context and purpose**

- 3.2 Members will be aware that the taxi and private hire industry is rapidly changing in the UK, and no longer resembles the industry of the 1970s that legislators had in mind. In order to continue to keep the travelling public safe, the council's policies and conditions also need to keep pace with new developments, particularly the rise of cross border working (drivers and vehicles licensed in one area and working predominantly in another), and the growth in use of smartphone apps enabling customers to book and pay for journeys.
- 3.3 One aspect of the policy development is the response to pressures against local licensing, and towards regional or city region collaboration and standards harmonisation. Because drivers and vehicles can work across council borders, a range of factors in neighbouring authorities (and in some cases authorities further away) can impact on those of a local licensing authority.
- 3.4 The purpose of licensing is to keep the travelling public safe. Owing to the prominence of drivers and vehicles making journeys across borders and the rise in cross-border working, in many areas of the UK, licensing authorities have chosen to work together on a regional or city region basis to take action to reduce the risk of weak links in the region allowing drivers and vehicles to work in ways which put the travelling public at risk.
- 3.5 Licensing authorities do not have the power to restrict the number of licences for private hire drivers or vehicles, unlike hackney carriage vehicles, so some authorities have seen a significant increase in the number of drivers and vehicles they licence. This is encouraged by the rise in operators who work across licensing authorities, who have encouraged their drivers to apply for a licence in authorities whose licence fees are cheaper, the length of time to get a licence is shorter and conditions are weaker.
- 3.6 The focus of the West Yorkshire and City of York authorities in 2016 was to understand and address/reduce the risk posed to vulnerable passengers by cross-border working and differences in licensing and enforcement regimes. 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. 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.
- CCTV in vehicles;
  - Convictions policy;
  - Vehicle specifications;
  - Driver training;
  - Information sharing between authorities; and

- Effective cross-border enforcement.

- 3.7 The West Yorkshire and City of York authorities also agreed to amend the enforcement powers contained in each authority's constitution. The authorities have each amended their constitutions so that enforcement officers from each authority can take some action against vehicles and drivers licensed in any of the six authorities.
- 3.8 Since the West Yorkshire & York authorities started to work together in 2016, there has been a growth in authorities agreeing common or minimum standards on a regional basis, and in collaborating across licensing borders. Licensing authorities in Wales and in Northern Ireland developed common national standards in 2017, and the Department for Transport Taxi and Private Hire Licensing Task and Finish group recommended authorities consider licensing on a regional or city regional basis. In 2019, the ten authorities in Greater Manchester initiated consultation on developing common minimum licensing standards in the Manchester city region.

### **Progress**

- 3.9 The licensing managers have continued to meet on a monthly basis, however, following the retirement of the chair of the Licensing Chairs, the licensing chairs have not met since before the local elections in May. A meeting of licensing chairs and managers has been arranged, in order to discuss the priorities and current progress. The group also had for 18 months the support of the input from a former assistant chief executive at two of the authorities. That input was extremely valuable, but has now ended.
- 3.10 The sections below provide a summary of the objective, a current position, and suggested further areas of co-operation or collaboration.

#### ***a) CCTV in vehicles***

**Objective** – That all passengers and taxi, private hire vehicle drivers and operators feel safe by ensuring that if concerns are raised there is independent evidence to establish the accuracy of any allegations. The feasibility of implementing a voluntary or mandatory requirement to install CCTV in vehicles to be considered.

**Update** – Under way. An initial discussion was held in 2018 with a colleague from Rotherham who attended the Licensing Managers meeting to discuss their experience when implementing this licensing condition. A licensing manager workshop took place in March 2019 to discuss many of the practical, financial, resource, data protection, information management and any other issues that would need to be addressed if the six authorities were to implement a requirement for CCTV in vehicles. Leeds has begun a working group, which has also heard evidence from a colleague at Wakefield and a supplier who also supplies other authorities in the region.

#### ***b) Convictions/Suitability Policy***

**Objective** – That individuals with relevant criminal convictions are not licensed in the West Yorkshire and York area. That there is no benefit in seeking to be licensed in one authority and work in a different authority.

**Update** – Under way. Following approval at Leeds City Council's Executive Board in October 2019, 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. The guidance takes a tough position in respect of these issues and the tariffs (i.e. the periods suggested that must expire before a licence should be granted) are high.

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.

The challenging issue in relation to the implementation of this policy will be its application to existing drivers who have previously been deemed “fit and proper”. At the moment it is the intention of the five authorities to apply the policy to existing drivers on renewal and, if appropriate, to refuse to renew based on the new tougher policy if that driver presents a risk to passenger safety as per the new national guidance. The use of exceptional circumstances by authorities in individual cases will be reviewed by the managers collectively at their future meetings to ensure they are applied consistently and to identify issues which indicate that the policy might need some amendment for greater clarity.

The council agreed as one of its recommendations to allow further amendments to the policy to align it with that adopted by the other authorities.

### ***c) Vehicle Comfort and Passenger Safety.***

**Objective** – That vehicles used to provide taxi and private hire services are safe across the area, by ensuring that there is consistency in those elements of the Vehicle Specification that relate to comfort and passenger safety in each Licensing Authority.

**Update** – Under way, but more work required. Significant work has 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. After extensive discussion and debate it became clear that there were significant practical, financial and other resource implications for some of the authorities in moving to a more consistent approach to the vehicle specification and testing regimes which had an impact on the project timeline and on achieving the other elements of the project. This issue was reported to the Licensing Chairs at their meeting on 31st August 2018. At that meeting it was agreed to amend the scope of the project to remove the objective to harmonise the vehicle specifications and testing regimes and to include the production of a report identifying the areas where harmonisation was achievable in the short term and those areas where this was more challenging.

### ***d) Driver Training***

**Objective** – That all drivers in the area meet the “fit and proper” test by harmonising the training requirement in each of the six authorities to ensure that all drivers are trained to the same minimum standard across the area.

**Update** – Under way. A draft 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 1 September 2019 and for drivers on renewal from a date to be determined in 2020.

- Advanced driver training
- Literacy test
- Local knowledge course and test
- Regulatory framework course and test
- Professional standards course and test
- Safeguarding course and test
- Equalities/Disability course and test
- Practical Wheelchair Course

The six authorities are working on a common curriculum and method of assessment for the driver training. Bradford has also given a commitment to review their training against the standards introduced in the other five authorities to ensure consistency as far as possible, including the proposal to include a formal English test.

#### ***e) Information Sharing***

**Objective** – That individuals who do not meet the legal requirements to provide a taxi or private hire service are not licensed in the area by sharing of information about drivers and service providers across the area.

**Update** – In place. All six authorities are regularly sharing information, such as from enforcement action, investigating complaints, and concerns about previously refused and revoked drivers. All six Authorities are 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.

Leeds has developed an NR3 policy, following guidance from legal officers and information management team, recommended for approval at its October Licensing Committee, and all six authorities are working through the practicalities of using the database and the further information which can be disclosed. It is anticipated that Licensing Managers will need advice from legal officers as the guidance issued in relation to the national database indicates that there are some significant data protection and information security issues that must be addressed in relation to the inclusion of information on the national database and the subsequent sharing of more detailed information with other Licensing Authorities in response to enquiries made as a result of an entry on the database. It is suggested that consistent procedures should be agreed across the area on how information should be included and what further information should be shared in response to a request as a result of that inclusion. This will form part of the future work programme.

#### ***f) Cross border enforcement***

**Objective** – That all passengers are safe by ensuring that if appropriate on street checks, joint operations, information sharing and follow up activity takes place on vehicles working outside of their licensing area. That all authorities develop plans to address cross border working i) of their drivers and vehicles in other authorities, and ii) of other authorities’ drivers and vehicles working in their area.

**Update** – In place. 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), and does not extend to other neighbouring authorities such as Selby or Harrogate. 25 enforcement officers for all six authorities attended a full day workshop on cross border enforcement, were issued with badges and rectification books later in 2018, a shared press release was produced, and information is now routinely being exchanged between authorities. In Leeds, enforcement officers each check around 200 vehicles a year on street, of which around 10% will be out of town vehicles, and carry out joint operations with the police or other authorities at least every other month. The prevalence of regular and systematic cross border working varies across the region, as does the local enforcement capacity and shift pattern.

## **Possible future regional co-operation and collaboration**

- 3.11 Looking forward, in the absence of changes to national powers and legislation, there are a number of areas where future co-operation on licensing policies and enforcement responses may take shape.
- 3.12 In addition to the six areas already prioritised, 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 is likely to be issued. The consultation recommended 30 areas for improvement, some of which may benefit from a regional approach, if only to reduce any research, consultation and duplication among the six authorities.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 This is an update paper. No new consultation is required in order to discuss the issue of the progress of current policy harmonisation.

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

- 4.2.1 There are no implications for equality and diversity /cohesion and integration.

### **4.3 Council Policies and City Priorities**

- 4.3.1 The council’s taxi and Private Hire Licensing is in line with the following council priorities and policies.

## **Best Council Plan**

4.3.2 The council's licensing policies contribute towards the following Best Council Plan objectives:

- Keeping people safe from harm, protecting the most vulnerable.
- Improving access to affordable, safe, and reliable connected transport for young people.

### **Climate Emergency**

4.3.3 Taxi and Private Hire Licensing also contributes towards the following Climate Emergency priority in the Council Plan:

- Improving air quality, reducing noise and emissions.

4.3.4 Leeds City Council has both a moral and legal obligation to discharge its duty of care in respect of 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 adults at risk of harm.

## **5.0 Resources and Value for Money**

5.1 This is a discussion report and is seeking to provide an update and suggest future priorities. It does not make any estimates or forecasts about possible changes and implications for resources and value for money, although any addition or prioritisation of work programme will have a resource implication.

5.2 The West Yorkshire and York project work benefitted from having an external (i.e. not a licensing professional) work to co-ordinate and review the group's work, and a legally qualified former local authority executive, who could also feed in to the West Yorkshire local authority legal officer group. This resource has been lost to the group, and the group would benefit from similar type of support in future.

## **6. Legal Implications, Access to Information and Call In**

6.1 One option open to the Licensing Chairs is for the six authorities to pursue a more formal collaboration agreement, setting out expectations and resource implications of working more closely. This will involve input from legal officers in each authority.

## **7. Risk Management**

7.1 The council has a taxi and private hire risk on its risk register relating to the risk of harm coming to a person in Leeds using a taxi or private hire vehicle not licensed by Leeds City Council. The council is the responsible organisation for regulating the taxi and private hire industry so that people in Leeds using taxi and private hire vehicles are safe and feel safe, irrespective of where they are licensed. The current assessment of the control of the risk is 'Good', but it is unlikely that the assessment would be more positive until national licensing and enforcement powers and IT systems are in place.

- 7.2 The council may identify further actions to address the risk. However, reducing the number of out of town vehicles which are checked on street is very unlikely to be considered as an option. Any additional actions to co-operate or collaborate on a regional or partnership basis should not be prioritised at the expense of actions taken to address the risk of harm coming to a passenger in a taxi or private hire vehicle in Leeds.

## 8. Conclusion

- 8.1 UK Licensing authorities are increasingly working together to respond to cross-border working, collaborate on information sharing and enforcement. The report has shown that West Yorkshire and City of York licensing authorities have been working more closely together on a number of harmonised licensing, enforcement and information sharing areas. In particular, the six authorities have developed common minimum standards on driver training and suitability/convictions, giving a degree of confidence that people not fit and proper or unable to meet the required standard will not be licensed anywhere in the region.
- 8.2 The report has also drawn attention to the areas identified as a priority where work is either underway, or slower progress being made, and sought the views of licensing committee members to the future regional co-operation and collaboration.

## 9. Recommendations

- 9.1 That committee members read the report and note the objectives and progress made on policy harmonisation in West Yorkshire and City of York authorities.
- 9.2 That committee members note the remaining objectives and possible future areas of co-operation and collaboration, and implications for work programme, finance and resources.

### Additional documents:

Urban Transport Group: Taxi! Issues and options for city region taxi and private hire vehicle policy (2017) [http://www.urbantransportgroup.org/system/files/general-docs/UTG%20Taxi%20Report\\_FINALforweb.pdf](http://www.urbantransportgroup.org/system/files/general-docs/UTG%20Taxi%20Report_FINALforweb.pdf)

Department for Transport Taxi and Private Hire Vehicle Licensing Task and Finish Group : Steps towards a safer and more robust system (2018) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/745516/taxi-and-phv-working-group-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745516/taxi-and-phv-working-group-report.pdf)

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**LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 25/10/19 (JG)**

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: 10<sup>th</sup> December 2019</b>			
<b>Draft Report of the findings of the CCTV Working Group</b>	To consider a report by the Chief Officer Elections and Regulatory which sets out the initial findings of the CCTV Working Group and the plan for consultation	A White	DP
<b>De-Brief Report following the Ed Sheeran event at Roundhay</b>	To consider a report by the Chief Officer Elections and Regulatory which provides a de-brief following the Ed Sheeran event at Roundhay Park in August 2019.	N Raper	B
<b>Meeting date: 28<sup>th</sup> January 2020</b>			
<b>De-Brief Report following Leeds Festival 2019</b>	To consider a report by the Chief Officer Elections and Regulatory which provides a de-brief following the Leeds Festival Event 2019	N Raper	B
<b>Meeting date: 3<sup>rd</sup> March 2020</b>			
<b>Annual Licensing Report</b>	To consider a report by the Chief Officer, Elections and Regulatory which present the Annual Licensing Report for 2019	N Raper/ A White	PM

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

**LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 25/10/19 (JG)**

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 7 <sup>th</sup> April 2020			