

Licensing Committee

Tuesday, 6th November, 2018

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, R Downes, B Flynn,
A Garthwaite, K Groves, H Bithell,
P Drinkwater, B Garner, G Harper and
C Knight

62 Appeals Against Refusal of Inspection of Documents

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

63 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the nature of the business to be considered.

64 Late Items

There were no late items of business

65 Declaration of Disclosable Pecuniary Interests

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

66 Apologies for Absence

Apologies for absence were received from Councillors: B Gettings, J Heselwood and G Wilkinson.

67 Minutes of the Previous Meeting

The Minutes of the previous meeting held on 2nd October 2018 were submitted for consideration/ approval.

RESOLVED – That the Minutes of the meeting held on 2nd October 2018 be accepted as a true and correct record.

68 Matters Arising from the Minutes

There were no issues raised under Matters Arising.

69 Leeds Clean Air Charging Zone (CAZ): Taxi and Private Hire Support Packages

The Director of Resources and Housing submitted a report which informed Members of the specific issues affecting the Taxi and Private Hire sector as a result of the introduction of the Clean Air Zone (CAZ) and provide information about the proposed support packages.

The Project Manager, Sustainable Energy and Air Quality (SEAQ) explained the background to the report and the main issues to be considered which included the following:

- CAZ Boundary
- Taxi and Private Hire sector Consultation
- Charging Regime – Buses, coaches & HGVs £50 per day, Taxi & Private Hire Vehicles £12.50 per day (Non-Leeds licensed drivers) £12.50 per day or £50 per week (Leeds licensed drivers only)
- Exemptions
- Rationale for introduction of support packages
- Grant Scheme
- Loan Scheme

Commenting on the Taxi & Private Hire consultation, Members queried if all the key issues around the CAZ proposals had been addressed to the satisfaction of the trade.

In responding the Project Manager (SEAQ) said that where the Council has been able to respond positively, it has done so, the use of Liquid Petroleum Gas (LPG) was one such example as this is now an allowable fuel for the taxi and private hire trade (subject to certain conditions such as installation by a UKLPG qualified garage). It was reported that a recent report to the Executive Board did include an appendices which provided feedback on the CAZ consultation. It was suggested that this report appendices could be made available to Members of the Licensing Committee if that was their wish.

Members requested that the CAZ consultation feedback be circulated to all Members of the Licensing Committee.

Members queried how non Leeds licensed drivers would be charged.

In Responding officers said that non-compliant vehicles would be identified through the establishment of a National Database for Hackney Carriage and Private Hire Vehicles which should be operational by 2020.

It was suggested by Members that there appeared to be delays in the establishment of this National Database, these delays were they technical or bureaucratic in nature.

In responding officers reported that vigorous testing of the new database was currently ongoing, information on vehicle changes occurred on a frequent basis and it was important that the information was accurate and up to date. It was understood there were no unnecessary obstacles in terms of bureaucratic delays.

In offering comment the Executive Member responsible said the establishment of the National Database was the responsibility of the Government, it was for Leeds to do everything they could to achieve the legal objectives by the required date.

With reference to buses/ coaches Members queried if there would be support packages available to bus/ coach operators.

Members were informed that a support package was being developed for bus/ coach operators which would include assistance towards the purchase of new vehicles or assistance towards the retro fitting of existing vehicles.

Referring to the Grants / Loan schemes Members queried if a driver/operator could apply for both a loan and a transition grant.

Members were informed that a driver / operator could apply for both schemes, there were some restrictions together with terms and conditions.

Members queried if the displacement of vehicles around the edge of the Clean Air Zone would be monitored.

In responding officers said that any such monitoring would be undertaken by Traffic Management.

The Chair thanked Officers for their attendance and providing a clear explanation of the CAZ issues. The Chair also thanked Councillor James Lewis, Executive Board responsible for attending and his contributions to the discussion.

RESOLVED –

- (i) That the contents of the report by noted
- (ii) That feedback on the CAZ consultation be circulated to all Members of the Committee

70 Recommendations of Leeds City Council Working Group - Driver Conditions

The Chief Officer, Elections and Regulatory submitted a report which set out the draft revised policies and guidance to applying for, or renewing a driver licence, following a working group, a consultation and guidance from the Local Government Association/ National Anti-Fraud Network (LGA/NAFN).

Appended to the report were copies of the following appendices:

- Draft Private Hire Driver Guidance and Policies(Appendix No.1 referred)
- LGA Guidance for Local Authorities on National Database (Appendix 2 referred)
- Equality and Diversity Cohesion and Integration Impact Assessment (Appendix 3)

Addressing the report the Taxi and Private Hire Licensing Manager, Communities & Environment, highlighted the areas where the council's current policies, conditions and guidance would be changed should the proposed changes be approved.

Members noted that no major changes to the driver conditions were proposed, however, a number of minor changes were recommended, as set out below:

- **Medical Circumstances** – added link to gov.uk webpage on medical rules for all drivers.
- **Requirement to Report Convictions and Associated Incidents** – added 'any Police interview'.
- **Conduct of Driver** – added 'e-cigarettes and vaping' to list of not smoking in the licensed vehicle. Added 'headset or Bluetooth' to list of devices only to be used in emergency circumstances. **Passenger** – added link to more clearly explain the gov.uk car seat rules.
- **Fare to be Demanded** – added reference to 'operator's approved GPS device'.
- **Lost Property**– added note for lost items to be delivered by drivers to Elland Road Police Station.
- **Three Year Driver Licences**– the additional requirement for five years' good service could be removed, the council could now comply with the requirement in the Deregulation Act 2015 for standard three year licences, now that all drivers had valid and up to date enhanced DBS checks and had attended CSE Safeguarding training.

Commenting on the proposed changes Members expressed concern about adding "any Police interview" to the requirement to report convictions and associated incidents, suggesting unintended consequences may arise if implemented.

Members also expressed reservations about the proposal around lost property suggesting that the existing arrangements, "returning lost property to the nearest local police station within 48 hours" was more preferable than delivering lost property to one central location (Elland Road Police Station)

In summing up the Chair said Members appeared to be supportive of the proposed amendments with the exception of; lost property and the requirement to report convictions and associated incidents, in both cases the existing wording to remain unchanged.

RESOLVED –

- (i) That the contents of the report be noted
- (ii) To recommend that the proposed changes to the policies be approved with the exception of the categories of "lost property" and "the requirement to report convictions and associated incidents" which remain unchanged.

71 Department of Transport Task and Finish Group Report on Taxi and Private Hire Vehicle Licensing

The Chief Officer, Elections and Regulatory submitted a report which set out the recommendations of the Department of Transport Task and Finish Group established to review legislation around Taxi and Private Hire Vehicle Licensing.

Appended to the report were copies of the following appendices:

- Department for Transport and Private Hire Vehicle Licensing: Steps towards a safer and more robust system (Appendix No.1 referred)

The Taxi & Private Hire Licensing Manager, Communities & Environment explained the background to the report and the main issues considered by the Task and Finish Group which included the following:

- Consider evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified. Specifically:
- Identify the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
- Consider, in particular, the adequacy of measures in the licensing system to address those issues;
- Consider whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
- Make specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.

Commenting on the recommendations generally, it was suggested by one Member that a good deal of new legislation was required. Was there a timescale for delivery.

In responding the Taxi & Private Hire Licensing Manager said the Government were currently working with the Taxi policy team with possible implementation within 2 to 3 years. It was suggested that a number of the proposed recommendations were already operating in Leeds and it may be appropriate that Leeds put themselves forward to participate in any proposed Pathfinder Work.

Commenting on Recommendation No.25 (All drivers to undertake safeguarding /child sexual abuse and exploitation awareness training including the positive role that taxi/PHV driver could play in spotting and reporting signs of abuse and neglect of vulnerable passengers). Members queried if it would be possible for West Yorkshire and York to have a separate agreement which would have higher standards.

The Taxi & Private Hire Licensing Manager said it was likely that not all authorities would be agreeable to higher standards, many smaller authorities did not all have the same resources as the larger authorities and would only sign up to the minimum standards.

With specific reference to Recommendation No.17 (Vehicles must be fitted with CCTV subject to strict data protection measures). Members sought further information around possible funding.

Members were informed that there had been positive contact with the Associations and Trade Unions on the issue of CCTV in vehicles but further guidance and an understanding of the possible implications was required.

In drawing the discussion to a conclusion the Chair said Members appeared to be supportive of the Task and Finish Group's recommendations. There was some conflicting guidance but that was an issue for central Government to address. In terms of offering assistance, the Chair sought the support of Members for Leeds to participate in any appropriate Pathfinder Work and to write to the appropriate Minister responsible.

Members were supportive of the proposal.

RESOLVED –

- (i) That the contents of the report by noted
- (ii) To support the proposed review and alignment of the Council's ongoing Policy Review in line with the recommendations contained in of the Department of Transport Task and Finish Group
- (iii) That the Chair, on behalf of the Licensing Committee be requested to write to the Minister responsible, Nusrat Ghani MP, Parliamentary Under Secretary of State at the Department for Transport, offering the services of Leeds City Council's Taxi and Private Hire Licensing to participate in any appropriate Pathfinder Work the Minister may considered necessary.

72 Licensing Committee Work Programme 2018/19

Members considered the contents of the Licensing Committee Work Programme for 2018/19.

It was noted that currently there were no items listed for the meetings in both December 2018 and January 2019.

RESOLVED – That the contents of the Licensing Committee Work Programme for 2018/ 19 be approved.

73 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 4th December 2018 at 10.30am in the Civic Hall, Leeds.