

Licensing Committee

Tuesday, 5th March, 2019

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

94 Late Items

The Chair admitted the following late items to the Agenda:

- Taxi & Private Hire Licensing – Results of consultation on Suitability and Driver Training Policy
- Taxi & Private Hire Licensing – New Statutory Guidance from the Department of Transport

95 Declaration of Disclosable Pecuniary Interests

There were no declarations.

96 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors B Gettings and G Wilkinson.

97 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 5 February 2019 be confirmed as correct record.

98 Annual Licensing Report 2018

The report of the Chief Officer, Elections and Regulatory presented the annual report for 2018.

Nicola Raper, Section Head, Entertainment Licensing and Andrew White, Taxi and Private Hire Licensing Manager presented the report.

The report covered the 2018 calendar year for both Entertainment and Taxi & Private Hire Licensing. Issues highlighted from the report included the following:

- Partnerships involved with Entertainment Licensing.
- Proactive work including objections to applications in CIP areas
- Training available for night time economy providers
- Complaints investigated and resolved
- Reviews carried out under the Licensing Act
- Gambling – the Large Casino licence is subject to a Schedule 9 agreement incorporating a range of benefits, including funding for research and support to those affected by gambling addiction.

- Outdoor events – major events are scheduled to be held at Elland Road, Roundhay Park and Temple Newsam in the coming year.

In response to Members comments and questions, the following was discussed:

- Through the Operator's Licence issued by the Gambling Commission, operators of gambling premises are subject to a code of practice which includes social responsibility conditions. Operators must provide support and information for problem gamblers and staff should be trained to identify issues. Signposting to help for problem gamblers may be obtained from the notices displayed on gaming machines, and at the premises. Problem gamblers may also chose to self-exclude themselves from gambling premises.
- Adult shops – the number across the city had dropped.
- Equality issues – complaints had been received of cases relating to gender equality and disability access. Complaints had been resolved through working with the licence holders.
- Purple flag accreditation – this had been awarded following an assessment of the night time economy. This was the second year that Leeds had received the accreditation. There had been publicity of the accreditation when first awarded.
- Further concerns regarding protection for problem gamblers – issues discussed included reduction of stakes for fixed odd betting terminals; responsibilities of operators. Checks and visits to gambling establishments were carried out by Licensing Officers.

With regard to Taxi and Private Hire Licensing, the following was highlighted:

- There had been a rise in the number of license refusals and revocations.
- There had been slightly fewer new driver applications. It was thought that drivers had chosen to be licensed elsewhere.
- There had been an increase in suspensions – this had included giving drivers opportunity to reach compliance or for investigations to be carried out and also due to issues relating to DBS checks.
- There had been an increase in the number of complaints about the licensed trade in Leeds. The largest area was related to driver conduct.
- There had been an increase in the number of appeals against suspension, revocation or refusal, although none of the appeals had been successful, and magistrates had upheld the council's decision.

In response to Members comments and questions, the following was discussed:

- Drivers were sent reminders when medical certificates were due to expire. Most cases of refusal for not having medical clearance were due to certificates having expired.
- Drivers caught plying for hire were prosecuted. Hot spot locations were targeted and those caught often had licenses revoked and points added to their licenses. If the drivers were registered elsewhere, the host authority would also be informed.

- On street checks – 1,725 checks had been carried out. Ten percent (134) of these were for vehicles registered outside of Leeds.
- There was a mandate for harmonisation for driver safety, suitability and training with neighbouring authorities.
- It was cheaper to obtain a license in other authority areas. Fees in Leeds were set to cover operating costs, including enforcement activity and complaints about out of town vehicles, licensed in other authorities.

RESOLVED – That the Annual Report be noted.

99 Taxi & Private Hire Licensing - Results of consultation on Suitability and Driver Training Policy

The report of the Taxi & Private Hire Licensing Manager presented the results of recent consultation in Leeds and neighbouring authorities on two areas of taxi and private hire policy.

Andrew White, Taxi & Private Hire Licensing Manager presented the report.

Issues highlighted from the report included the following:

- Driver training and suitability – harmonisation with other West Yorkshire Authorities and City of York.
- Driver training survey – this had received a large and overall positive response, with more than 75% respondents supporting the training modules.
- Refresher training was identified as an issue, with around two thirds supporting it.
- There would not be any significant change to policy – there would be more focus on driver training and further consideration with the other WY&Y authorities regarding the level needed to pass training.

In response to Members comments and questions, the following was discussed:

- Operators and drivers were required to undertake English language tests.
- Concern regarding waiting times for training – it was reported that the training could take up to three months to complete through different training providers for areas including advanced driving, customer care and safeguarding. For drivers moving to Leeds from elsewhere some training aspects were transferrable. It was acknowledged that at peak times and due to the number of applicants there was a period of waiting before training could commence. This should be remedied during 2019, with end to end training being provided by new training providers.
- Quality of training – evaluation was carried out and training was carried out by accredited staff.
- Suitability – there was a difference across authorities with regard to suitability and concerns regarding how broad the categories were and how to address these.

RESOLVED – That the report be noted.

100 Taxi & Private Hire Licensing - New Statutory Guidance from the Department of Transport

The report of the Taxi & Private Hire Licensing Manager presented new Statutory Guidance on and consultation by the Department of Transport (DfT) on proposed taxi and private hire licensing policies.

The new guidance responded to the earlier DfT Task and Finish working group and made a number of recommendations for local authorities to adhere to in developing and reviewing their taxi and private hire licensing policies.

Andrew White, Taxi and Private Hire Licensing Manager presented the report.

Issues highlighted included the following:

- The report outlined the 30 areas of statutory guidance. The consultation period was until April 2018.
- The guidance did not cover cross border working, probably the most contentious issue discussed at Licensing Committee.
- The guidance did not alter key legislation but would shape any policy review work. All areas of guidance would have to be addressed.
- The response to the guidance would be submitted in consultation with the Chair and Executive Member, and the Committee was also invited to contribute.

In response to comments and questions, the following was discussed:

- It was strongly advised to adopt the guidance.
- It wasn't anticipated that the final version of the guidance would be published before later in 2019.
- Concerns regarding child sexual exploitation, county lines and drugs. There had not been any reported instances in Leeds with regards to the taxi and private hire trade, in contrast to neighbouring authorities, but the council needs to make sure it continues to focus on preventing it, reporting concerns and acting on those concerns.
- There was nothing in the statutory guidance on the standard of vehicles.
- Use of CCTV in vehicles.
- Cross boundary enforcement – this was taking place in Leeds and information shared with other authorities.
- Progress with maintaining the register of drivers whose licences had been refused or revoked.
- Harmonisation - there were around twelve thousand licensed vehicles in West Yorkshire, and if standards were met in their own licensing authority, it was not possible to stop them from working in Leeds. Work was being done with neighbouring authorities to improve standards.
- Collaboration of the West Yorkshire authorities and City of York was initiated by the West Yorkshire Combined Authority (WYCA). WYCA had no responsibility for licensing. It was suggested that there could be a meeting with the Transport Committee of WYCA.

RESOLVED –

- (1) That the Committee note the purpose and content of the information in the report.
- (2) That the Committee read the DfT Statutory Guidance and make any further recommendations for the Council's response to the consultation and review of policies.

101 Licensing Committee Work Programme

Members considered the content of the Licensing Committee Work Programme for 2019.

RESOLVED – That the Licensing Work Programme be noted.

102 Date and Time of Next Meeting

Tuesday, 2 April 2019 at 10.00 a.m.