

	Statutory Guidance recommendation	Leeds City Council response, April 2019
1.	Single taxi and private hire licensing policy	Leeds is supportive, but single taxi and private hire licensing policy is not in place at the present.
2.	Fit and proper person test	<p>Leeds supportive of the policy.</p> <p>We are in favour of those judgments being made by licensing officers with appropriate training and delegation.</p> <p>Leeds very supportive of the fit and proper person test, based on the balance of probabilities, not beyond reasonable doubt, and there needs to be scope for decisions to be made about someone as a fit and proper person without a conviction.</p> <p>Leeds has some concerns that revocation/suspension and suitability guidance proposed moves away from or conflicts with the fit and proper person test.</p>
3.	Administration of the licensing framework and decision making, including officer and member roles	<p>Leeds supports the need for everyone involved in licensing decisions to receive appropriate training.</p> <p>Leeds Licensing Committee sets the policies for taxi and private hire licensing, but members of the committee do not make licensing decisions, which are made by trained and qualified officers who focus on taxi and private hire licensing. Leeds has more than 5000 vehicles licences and more than 6300 driver licences. Appeals against decisions are directed to the local magistrates court.</p> <p>Leeds believes this division of responsibilities enables councillors to set the policy to drive public safety, and officers to make informed decisions wholly on whether applicants or licence holders are fit and proper people to hold a licence. In some authorities, such as Rotherham, and Derby, Milton Keynes, members (not officers) have been recorded as making decisions on licence holders or in appeals on issues other than public safety.</p>

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4.	Whistleblowing	Leeds has a whistle blowing policy in place
5.	Implementing changes to licensing policy and requirements	Leeds broadly supportive of the need to consider the impact on existing licence holders of any changes in licensing policies.
6.	Disclosure and Barring Service (DBS)	<p>Leeds supportive of this policy.</p> <p>This is in place in Leeds. All but 12 licence holders have enhanced DBS via the update service, and those 12 are still completing manual DBS checks.</p> <p>Leeds concerned that because of differences in DBS policies, some licence holders licensed by other authorities may be able to drive in Leeds without a recent DBS check.</p> <p>Leeds currently checks DBS every 12 months, and is exploring options to bulk check DBS on a six monthly basis.</p>
7.	DBS update service	<p>Leeds supportive of the policy.</p> <p>This is in place in Leeds. All but 12 licence holders have enhanced DBS via the update service, and those 12 are still completing manual DBS checks.</p> <p>Leeds currently checks DBS every 12 months, and is exploring options to bulk check DBS on a six monthly basis.</p>
8.	Licensee self-reporting	Leeds supportive. We currently require 72 hours, which allows for events taking place on a Friday night to be reported the following Monday at the latest.

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		<p>Leeds pleased that the guidance recognises the importance of reporting and the way in which failure to report should be regarded, and would like to see stronger guidance in suitability policy on this. This should include an interview about any offence as a suspect, irrespective of whether or not the individual attended voluntarily or was arrested.</p>
9.	Referrals to DBS and police	<p>Leeds satisfied with this approach, Leeds has contacted the relevant police service to raise issues of DBS. However this is via a police intelligence officer which some licensing authorities may not be able to fund.</p>
10.	Overseas convictions	<p>Leeds not satisfied with certificate of good character from some countries, or character references from some providers.</p> <p>We would prefer EU/North America DBS and for other countries a statutory declaration.</p>
11.	Conviction policy	<p>Leeds broadly supportive, but some significant concerns about how this policy would be applied in practice. Leeds currently has a detailed conviction policy, and is working with other authorities on developing a harmonised conviction policy for West Yorkshire and City of York.</p> <p>Leeds has a number of concerns about the IOL/LGA/NALEO suitability policy (in Annex A) and specifically the tables with tariffs for how long a licence would be refused, as a minimum.</p> <p>The suitability policy does not fully address rehabilitation or other actions taken previously to reduce the risk to passengers when considering renewal, and risks reducing the discretion to depart from the policy in exceptional and not so exceptional cases.</p> <p>Leeds does not recommend a public hearing of an application.</p>

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12.	Common Law Police Disclosure	<p>Leeds works to disclosure guidelines with West Yorkshire police.</p> <p>Disclosure to the council from the police often takes several months.</p>
13.	Other information	<p>Leeds supports this strongly. We already ask this information at application and renewal.</p> <p>As with the failure to disclose an arrest or caution, it is important to pay regard to the failure to disclose having previously been licenced with a different authority.</p>
14.	Multi agency safeguarding hub	<p>Leeds supportive of the requirement for safeguarding concerns to be raised with the appropriate individuals and teams by taxi and private hire licensing teams.</p> <p>Leeds refers to separate safeguarding teams for adults, children and domestic violence concerns.</p> <p>Whether Leeds has a MASH approach is a separate issue to taxi and private hire licensing.</p>
15.	Complaints against licence holders	<p>Leeds is supportive of the recommendation.</p> <p>Leeds has a robust system for recording and administering complaints.</p> <p>Every vehicle contains information on ways to complain. Leeds has strict conditions on the operator conditions to report 'open' complaints from passengers about drivers which include inappropriate sexual behaviour and violence.</p> <p>The extent of cross-border working sometimes makes it unclear to which licensing authority a passenger should complain if they are dissatisfied.</p>

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16.	Duration of licences	Leeds supportive of the policy.
17.	Safeguarding awareness	<p>Leeds supportive of the policy.</p> <p>Leeds makes reference to safeguarding in each of its taxi and private hire policies.</p> <p>All licence holders are required to attend/pass safeguarding training.</p> <p>Leeds has an 'are you taxi aware?' web page, which we publicise to passenger groups.</p>
18.	Other forms of exploitation / 'County lines'	<p>Leeds is supportive of measures to prevent and report other forms of exploitation.</p> <p>All licence holders are required to attend/pass safeguarding training.</p> <p>Leeds is developing strong links with West Yorkshire Police and their safeguarding / trafficking teams.</p>
19.	Language proficiency	<p>Leeds supportive of this policy.</p> <p>Leeds is working with neighbouring authorities to set a common standard in the W Yorks region for literacy and numeracy. Very likely to be ESOL Entry Level 3.</p>
20.	Enforcement	<p>Leeds supportive of this policy.</p> <p>Licensing policies are not effective unless they are effectively enforced.</p> <p>The rise in cross border working in W Yorkshire has led the five W Yorks authorities and City of York to enter into a collaboration approach along the lines suggested in the policy document.</p>

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		It would be preferable for authorities not to have to enter into collaboration and information sharing agreements to enforce across borders, but for national enforcement powers to be in place.
21.	Suspension and revocation of driver licences	<p>Leeds is not broadly supportive of the direction to revoke and not to use suspensions.</p> <p>Leeds does suspend licence holders to allow an investigation to take place, or to allow a temporary safety problem, e.g. failure to get a group 2 medical to be resolved. However, Leeds does not set a period on that suspension.</p> <p>Leeds has concerns about allowing licence holders to work while an investigation is under way, in particular where there is considered to be an immediate public safety concern. Leeds also has concerns about an immediate revocation, i.e. before an investigation has been completed.</p> <p>Leeds recognises that the national databases of refused and revoked licences will not include a record about drivers who have been suspended due to an immediate public safety concern.</p> <p>Leeds would request more clarity and examples about how a licensing system would work to support more refusals and fewer suspensions, and prevent licence holders from continuing to work with serious allegations against them, which would fail the fit and proper test.</p>
22.	Criminal checks for PHV operators	<p>Leeds supportive of the policy.</p> <p>Leeds requires all operators to have an enhanced DBS check.</p>
23.	PHV Operators – ancillary staff	<p>Leeds supportive of the policy.</p> <p>This would have significant resourcing implications for the operator to meet this requirement and for the licensing authority in enforcing this policy.</p>

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24.	PHV Operators – use of passenger carrying vehicles (PCV) licensed drivers	<p>Leeds supportive of the policy.</p> <p>Anyone doing private hire work should meet the fit and proper standard, irrespective of which vehicle is being driven.</p>
25.	PHV Operators – record keeping	<p>Leeds supportive of the policy.</p> <p>Leeds concerned about use of taxi and ride hailing apps and kiosks and their ability to meet the requirement of the policy.</p>
26.	In vehicle visual and audio recording - CCTV	<p>Leeds supportive of the need for clarity about local authority policies for CCTV in licensed vehicles.</p> <p>Unfortunately, the policy guidance does not provide clarity about CCTV in vehicles or definitive guidance which could be followed.</p>
27.	Stretched limousines	<p>Leeds has a stretched limousine policy. However, Leeds has not licenced any vehicles as stretched limousines under this policy.</p> <p>Stretched limousines continue to be used in Leeds, but are not licensed as private hire vehicles in the district. This is a concern, and may require test purchases and further investigation to detect unlicensed activity.</p>
28.	Consultation at the local level	<p>Leeds supportive of the benefit of full and meaningful engagement and consultation. Leeds uses consultation and engagement regularly with trade, passengers, and other stakeholders.</p>
29.	Convictions guidance	<p>Leeds supportive of the need for national conviction guidance. Leeds notes that a national policy document is the starting point, which will not address every type of conviction and that decision makers may depart from the policy, in refusing to issue a licence at the end of the period specified</p>

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		<p>is they are not satisfied the person is fit and proper, or in refusing to issue a licence for a shorter period than specified 'as a minimum' in the guidance.</p> <p>Leeds would recommend that the table be revised to add a lower level of less serious violence (3-5 years).</p>
30.	Staying safe – guidance for passengers	Not a question on the survey