

Licensing Committee Working Group Terms of Reference

Review of Suitability and Convictions Policy clause for taxi and private hire drivers



February 2021

1. Purpose

- 1.1. The council implemented the Suitability and Convictions policy in February 2020, following more than a year of consultation, engagement and discussion involving members of the trade and stakeholders in Leeds, and more widely throughout West Yorkshire and York. The policy replaced the Convictions policy which was considered to be in need of review and confer with other authorities.
- 1.2. Shortly prior to the implementation of the new policy, some members of the trade strongly objected and cited the following main issues:
 - Acceptance that the new Suitability and Convictions Policy would require the council to refuse new licences to drivers who have more than 6 penalty points on their licence.
 - Concern that the new policy will adversely affect existing drivers and impact on their livelihoods by refusing to renew existing licences, and to revoke existing licences when drivers exceed 6 penalty points on their driving licence.
 - Criticism of the council's method of consultation on the policy.
- 1.3. The council's Executive agreed to implement the new policy delaying the specific clause relating to 'Minor traffic and vehicle offences – more than 6 points' until reviewed again by the Licensing sub-committee, after considering recommendations from a Working Group. Until such time, the council's previous policy for minor traffic and motoring offences will apply, indicated on pages 15 and 27 of the previous policy.
- 1.4. Due to the Coronavirus pandemic a Working Group has been difficult to arrange, but it is now planned to meet in early December 2020 using Zoom technology as a means of communication.

2. Objectives

- 2.1. The Working Group is tasked with reconsidering and reviewing the specific section of the policy, which states:

'Minor traffic or vehicle related offences – offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a hand held telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence. A driver's licence can be revoked for 3 years.'

Suitability and Convictions Policy 2020, p10 Leeds City Council.

- 2.2. In arriving at any conclusion, the Working Group should take into consideration the statutory guidance from the Department for Transport which was issued in July 2020, since the introduction of this policy, and which makes recommendations for actions to address priority issues identified. Specifically:
 - That Licensing authorities when formulating policies must have the 'primary and overriding objective' to protect the public.

- Licensing authorities should consult on proposed changes in licensing rules, not only with passengers and/or trade representatives but also groups likely to be the trades' customers, such as disabled groups, Chambers of Commerce, women's groups and those involved with local multi-agency safeguarding arrangements.
- Implementing an effective framework for licensing authorities is key to maintaining a well-functioning taxi and private hire sector. The whole of the Suitability and Convictions policy aims to do this, and the statutory guidance supports statutory legislation which permits decision makers to suspend or revoke driver licences when there is concern that a person is not a 'fit and proper' person to hold a licence.
- Statutory legislation specifically identifies offences involving dishonesty, indecency or violence and the statutory guidance explores these in more detail. The Working Group may consider what is said about motoring convictions (page36). Accepting that single offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate a revocation. However, multiple motoring convictions may indicate that a driver does not exhibit the behaviour of a safe road user and one that is suitable to drive professionally.
- In accordance with the statutory guidance the council has further developed a common and consistent approach with adjoining West Yorkshire and York authorities.

2.3 The Working Group should provide a concise report summarising its findings to the chair of Licensing Committee within one month of the final meeting and, subject to its conclusions, including:

- Recommended the existing penalty within the policy remains or an substitute an alternative; and
- Recommended guidance (e.g. implementation).

3. Membership

3.1. It is important that a broad range of views are sought, including from a sub group (min 3) of members of Licensing Committee, from both sides (taxi/private hire) of the trade, from licensing and road safety officers, from other licensing authorities, and importantly customers of the trade.

3.2. The working group will therefore be comprised of:

- A Chair, who is a member of the Licensing Committee;
- A minimum of two other members of Licensing Committee;
- Taxi and Private Hire Licensing Manager;
- A maximum of three people representing passengers (including older people, people with disabilities or mobility needs);
- A representative of the council's road safety service;
- A maximum of six people representing drivers, proprietors and operators (three taxi, three private hire); and
- A maximum of three people representing licensing and enforcement;

- 3.3 In order to gather comments and provide opportunity for representatives to contribute, the Working Group will meet on two days for one hour on each day. Contributions made at the first session will be circulated in note form to those involved in the second session.
- 3.4. One officer from taxi and private hire licensing will attend to provide minutes and action point support to the group.

4. Governance

- 4.1. These Terms of Reference will be finalised in correspondence and agreed formally during the first session of the working group. Any proposed changes should be sent to the Chair of Licensing Committee for consideration at least a week before the first meeting, and are subject to mutual agreement between the group and the chair of Licensing Committee.
- 4.2. The Working Group is expected to conclude after meeting for two hours.
- 4.3. It is preferred that each member prepares a written statement/comments prior to the sessions, reads from this and takes any questions from the other Working Group members. If the statements/comments could be emailed to the minute taker after either prior to or after the session this would aid detailed recording.
- 4.3. All participants will receive a copy of the final report and recommendations for the Licensing committee.
- 4.4. The group will aim to reach a consensus view, but where that is not possible, differences of view will be recorded in the final report.
- 4.5. Meetings will normally be held via Zoom technology and chaired by a member of the Licensing committee.
- 4.6. Meeting papers will be issued electronically at least three working days prior to the first session and three hours prior to the second session.