

APPENDIX 4

Written Responses from attendees of the Working Group formed to discuss the proposed Suitability (Convictions) Policy.

From: [Flynn, Cllr Billy](#)
To: [Garner, Cllr Ben](#)
Cc: [Berwick, Graham](#); [Bithell, Cllr Hannah](#); [White, Andrew](#)
Subject: Re: Licensing Committee Working Group - Outcomes
Date: 14 April 2021 08:42:43

Morning Ben/ Hannah/Graham/Andrew

I actually spoke to Graham to clarify a couple of issues and I'm sorry I didn't write to him formally. I think the compromise in option 3 on the 7 and 9 points is about as good a compromise as we can get.

As you know, I am always keen to know the trade's reaction to any of suggestions made, have we heard anything back?

Billy

Sent from my iPad

On 14 Apr 2021, at 07: 15, Garner, Cllr Ben
[REDACTED]

Hi Hannah and Billy,

Just checking have you any comments for Graham on the suitability points notes and options before these are put to other Working Group members?

Thanks
Ben

Cllr Ben Garner
Leeds City Council
Labour & Co-operative Councillor for Ardsley and Robin Hood
Tel: [REDACTED] | Facebook: www.facebook.com/CllrBenGarner | Twitter: [@bengarner999](https://twitter.com/bengarner999)

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From: [Bithell.cnr.Hannah](#)
To: [Gamer.cnr.Ben](#)
Cc: [Benwick.Graham.Flynn.Cllr.Billy.White.Andrew](#)
Subject: Re: Licensing Committee Working Group - Outcomes
Date: 14 April 2021 11:58:08
Attachments: [image001.png](#)

I am really happy with option 3, I feel like it shows we are listening and can therefore allay their fears, but also are putting the safety of Leeds residents front and centre

Thanks

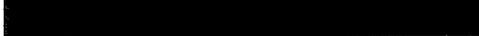
Cllr Hannah Bithell
Kirkstall Ward



She/Her

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On 14 Apr 2021, at 07:15, Gamer, Cllr Ben



Hi Hannah and Billy,

Just checking have you any comments for Graham on the suitability points notes and options before these are put to other Working Group members?

Thanks

Ben

Cllr Ben Gamer

Leeds City Council

Labour & Co-operative Councillor for Ardsley and Robin Hood

Tel:  Facebook: www.facebook.com/CllrBenGamer Twitter: [@bengarner999](#)

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From: [Gamer, CHrBen](#)
To: [Benwick, Graham](#)
Cc: [White, Andrew](#); [Arnett, Philio](#); [Mulcahy, John](#)
Subject: Re: Suitability Working Group
Date: 14 April 2021 10:28:31
Attachments: [imaae001.ong](#)

Hi Graham,

Given two of the three elected members have now agreed with the notes and options I think this could be shared with the other staff and trade members of the Working Group for their comments.

Thanks
Ben

Cllr Ben Gamer
Leeds City Council
Labour & Co-operative Councillor for Ardsley and Robin Hood
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From: [REDACTED]
To: [TPHL-Development](#)
Subject: Re: Working Group Suitability & Convictions Policy
Date: 16 April 2021 11:29:59
Attachments: [image001.png](#)

Dear Graham

My view along with the rest of the trade representatives who attended is leave the policy as it is.

No driver gets up to go to work with the target of getting points on his licence.

Drivers do 30/40/50k a year all over West Yorkshire.

It is not an easy job.

So out of the 2 options I think the following is the better option.

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 9 or more points on a DVLA licence.

An applicant with 9 points or more would ordinarily be refused for a period of 3 years. An existing licence holder with 9 points or more would ordinarily be referred for driver training or assessment. If such warnings or training have previously been undertaken, revocation may be considered.

Kind regards

Mr Adil K Hamid

From: [Desmond Brester](#)
To: [Berwick, Graham](#)
Cc: [Andy Pennock](#); [Veezu Compliance](#)
Subject: Working Group Consultation response
Date: 26 April 2021 19:39:59
Attachments: [Driving Convictions proposals.docx](#)
[Lee.criminal.convictions.policy.f0041.pdf](#)

Dear Graham,

Mr Pennock, Amber Cars Operator, would wish to emphasise that the Trade and the City need support to get the city moving again as dependency on a safer, more private way of travelling on health grounds increases and businesses open up. Leeds drivers, their families and communities need the support of the Council to stay in work and also have ready access to work for Leeds people, as opposed to imposing an unjustified and un-evidenced policy which will lead to more and more 'out of town' licensed drivers in Leeds. Talk of the West Yorkshire combined approach is not to be relied on - they will dilute any resolve in no time at all. This is Leeds and drivers should not be driven out.

The following comments are the collective views of senior staff at Amber Cars and are submitted with the approval of the licensed operator.

I would comment that it would be really beneficial for Members and the Trade if a minute had been taken of the meetings. The remarks made to me by people in the trade show they are distrusting of the approach taken by the licensing service who have only providing information at the very last moment, (presentations) or not provided supporting information at all (LCC policy in respect of its employee drivers) and latterly not provided minutes. It is good practice to have minutes, especially when the member of staff who undertakes that role in the service was present in the meetings. It would be really helpful also going forward if the responses from officers could be precise and concise so that others do not lose the thread of what is being said.

It is entirely wrong that officers use the number of cases of licensed vehicles reporting damage in line with the conditions on the vehicle licence seeking to justify a policy by saying such matters are indicative of careless driving - but then have no figures of the type of damage or how caused - no evidential link whatsoever and really undermining of the service.

Having said that, the Councillors were on the ball and the meeting was very well chaired by Councillor Garner and the pragmatic and sensible proposals by Councillor Bithell and Councillor Flynn were well received and very clear and their precise views are a good way ahead.

Councillors were also concerned about the services' failure to present matters in a fair and timely way.

Because of the lack of minutes the Licensing Committee should be aware that the reference made in the Working Group to the Institute of Licensing being a statutory body is incorrect, it's a training body, and has no powers. It is important because Members could be misinformed again and mistakenly believe that they have to adopt whatever the training body says - they don't. In the absence of national legislation it is entirely a matter for the licensing Committee to determine the policy and in doing so may you want to consider, 'What major public safety issues have caused the proposed abandonment of an existing policy, which has been tried and successful both in practice and in the Courts?' The Trades

have not seen that convincing evidence and was displayed in the WG but there were plenty of assumptions which were not open to scrutiny.

The Officer suggested that if the policy put forward by the service to the Working Group was adopted it didn't mean that licences would necessarily be revoked and that other decisions might be taken. It is our view that either there is a clear policy in which there is a consistent point of determination or conversely a situation arises whereby officers can mix and match sanctions and policies as they think appropriate. The latter approach is very dangerous to the Council in its integrity, decision making and effectiveness. It is not a place the Council has been in before and should not visit it. It leads to suspicions of unfairness or inconsistency which inevitably leads to more challenges in the Courts. James Button, the head of the Institute of Licensing would add to that and say, 'What's the point in having a policy if you don't use it?'

The clarity brought to the table by the Councillors was welcome and it provided a clear proposal for dealing with the policy change. Their proposals were concise and precise, rationalising all of the issues and identifying the weakness in the policy proposed - and that is exactly what the Licensing Committee should expect to hear. The point that licensed drivers will complete more mileage in one year than the average family will in 5 years should not be lost.

Set out below is the response to the last email received from the licensing service following the WG meetings

Officer proposal: 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.

An applicant with 7-8 points or more would ordinarily be refused for a period of 3 years.

Response: This is unclear. Is it 7 points or 8 points? Does this mean that if an applicant has attained 7-8 points on his DVLA licence at the point of application will be refused for 3 years and that an applicant on the same day who has 6 points on his licence but the day before had 9 points would be granted? I thought the understanding at the WG was that a licence would not be granted until there were less than 7-8 points on the licence. The common sense of the situation is that a person can be punished unduly and unfairly. By adopting the policy 'a licence would not be granted until there were less than 7-8 points on the licence' seems to clarify the issue in a fair way.

Members may think that the 7-8 points is unclear and that it would be better to opt for one or the other. The Trade would suggest 8 points because that would accommodate more fairly the discretionary points that Magistrates can impose (It is not only 3 points which can be imposed and so it is possible that one driver could have 7 points and be granted and another 8 points for identical offences in another part of the country could be refused an application - simply due to the parochial views of Magistrates in different parts of the country.

Tied into all of this debate is the argument against preventing new applicants from being granted a licence is the same as those drivers who have an existing badge. There is nothing stopping the drivers from getting an out of town badge and working in Leeds. Anything Members can do to prevent this should be considered and that includes retaining the existing policy in the absence of any demonstrated necessity.

An existing licence holder with 7-8 points would ordinarily be referred for driver training or assessment.

Response: Our recollection of the WG meeting did not include the term 'ordinarily' - but it was agreed that an existing driver who reaches 9 points should be referred for such training.

An existing driver with the 7 or 8 points would receive a letter of warning that in the event of any further motoring convictions they would be required to undertake remedial training.

Although not proposed by the licensing service we also thought it entirely reasonable the policy reflected that if such a written requirement was not met within a period of 3 months, the drivers licence would be suspended until such a time that it was met, which we feel sets a clear deadline.

Officer proposal: **If such warnings or training have previously been undertaken, revocation may be considered**

Response: This new proposal lacks clarity and the livelihood of drivers and Council policy deserves far more precision in what will be considered. This proposal smacks of a back door means to still do what officers want to do and bypass the proposed or the existing policy - it is such practices that create distrust and prevent the creation of proper working relationships. The evidential strength of any issue considered and the time span of any such decisions or documents should be clearly defined as part of the process. It would be entirely unfair and evidentially flawed to allow the service to consider unsubstantiated public complaints in these considerations.

Officer proposal: 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 9 or more points on a DVLA licence.

An applicant with 9 points or more would ordinarily be refused for a period of 3 years.

Response: Similarly, time spans are important across the policy and it seems unnecessary to complicate policy, especially when it could be the case that some points are to drop off the next day, or in the near future and that means that the policy treats people with very similar issues differently on a marginal points issue. The existing policy offers an opportunity to undertake 'like skills training' with former professional drivers who have undertaken advanced driving techniques and this option has two beneficial opportunities. The training in question has been used previously as a licensing measure with success and sees a reduction in unemployment and also a reduced risk by drivers. It is worth taking.

Officer proposal: **An existing licence holder with 9 points or more would ordinarily be referred for driver training or assessment. If such warnings or training have previously been undertaken, revocation may be considered**

Response: We feel that exactly the same principle arises as highlighted earlier: Our recollection of the WG meeting did not include the term 'ordinarily', nor was it suggested that existing drivers with 9 points should undertake training - but it was agreed that an existing driver who reaches 9 points should be referred for such training. Again, it is an example of what was the source of debate in the WG - there has to be trust and the Trade certainly felt as though they achieved a good deal of that from the Elected Members - and these efforts should not undo that.

Additional matters: There are some other robust strengthening matters which I presented to Members of the WG which we feel focus attention on the real issues and the real dangers and these proposals are attached. They are in fact a strengthening of the existing policy which does not adversely affect existing drivers but gives Council policy a robust approach to the more serious offenders. Members can approve these and have an assurance that they have strengthened the policy in a meaningful and appropriate way.
Kind regards, Desmond

Desmond Broster
National Director - Safeguarding & Licensing

From: [REDACTED]
To: IPHL-Development
Subject: Re: Working Group Suitability & Convictions Policy
Date: 22 April 2021 15:20:32
Attachments: imaaeoo1.cna

Hi Graham,

I have done a draft response and sent it to other company's and unions for their approval and I am awaiting their response.

As soon as I get a response and I can finalise the response I will forward it to you.

Regards,

Ghulam Nabi

Secretary of Eurocabs Hackney Carriage Association and also the JTC.

Hi Graham,

In response to your email noted below are the views of:

Eurocabs Hackney Carriage Association, GMB Union, Streamline-Telecabs, Leeds Private Drivers Organisation and City Cabs Ltd.

We all fully accept the existing Convictions Criteria Policy as adopted in 2013 and wish THAT Policy to remain in place.

The Harmonisation Policy has turned into an Uber appeasement policy and the lack of action against cross border working has led to other Private Hire operators following the Uber footsteps. Although only a few companies have followed Ubers footsteps it is guaranteed others will follow.

The Harmonisation Policy has not and will not do anything to increase the safety of the Leeds City public, the number of out of town drivers working in Leeds has increased and will keep on increasing.

All the Harmonisation policy has done is increase conditions on Leeds Licenced drivers who already had higher standards than the neighbouring authorities both in driver and vehicle conditions.

The major points which are acceptable by some of the neighbouring authorities but are classed as definite No Go areas by LCC are the age criteria, tinted windows and allowing Private Hire vehicles and drivers to work for more than one operator. We do not believe that these neighbouring authorities will make changes to these issues to align with LCC, so the question is if these points are definite No Go areas then why are we allowing them vehicles to operate in Leeds and why are we so eager to do a deal with this Harmonisation Policy?

When the majority of Harmonisation policy standards are agreed there will be no reason for Licensing Officers to keep stopping the Out Of Town vehicles as there will be NO risk to public safety and if anyone complains about an Out Of Town driver the response from ME will be "Well there is no risk to public safety as we are all working to the same standards".

A much simpler approach which has been suggested previously is that LCC should follow in the footsteps of Transport for London when they stopped out of town vehicles working in London, if Uber and other companies can do it London then why can't they do it in Leeds? And why can't LCC do what Transport for London have done.

REGULATORY DUTIES

We have asked several times before and have not been given any answers, so we will ask again, are ALL LCC Councillors on the Licensing Committee aware of the principles of "Regulators Code"?

The "Regulators Code" as approved by the Department for Business Innovation & Skills in 2014 should be part of the training for all Councillors. How can policies be made by people who do not know what their responsibilities are when scrutinising these or any other policy proposals?

THE REGULATORS CODE

The "Regulators Code" HAS to be used by every Licensing Authority on EVERY Regulatory policy;

One point we will use from the Regulators Code for this policy proposal is that, The Regulators should base their activities on risk.

Firstly, no factual evidence has been provided to the trade members to say that the existing convictions criteria policy is inadequate and therefore needs replacing as the risks cannot be adequately managed with the existing policy.

No evidence has been provided to the trade and the elected members that there has been a drastic increase in speeding convictions resulting in serious injuries to the travelling public or other road users therefore it is necessary to introduce a stricter policy.

On the contrary the evidence submitted at the working group meetings has shown very low numbers of drivers with 6 or more points between 1.5% to 2.0% out of over 6,000 licenced drivers. The evidence provided regarding vehicles involved in accidents cannot be accepted as this only detailed the number of reported accidents but did not define whether these were at fault or non-fault accidents.

Based on the evidence provided at the working group meetings there is no justification for any changes to the existing Convictions Criteria Policy.

As regards the two proposals discussed in the working group meetings the first proposal for the 7-8 points is a definite NO and the 9 or more points option could be acceptable providing greater clarity is given to the trade and elected members prior to it being submitted to the Licensing Committee for approval. This should be done via another working group meeting to ensure all factors have been properly scrutinised and are agreeable to the trade representatives and the elected members.

The length of time points remain on a drivers licence vary for different offences therefore clarification is required on when and how the policy will be implemented once a driver has reached the 9 points mark to ensure all scenarios are covered and what will happen if the driver is unable to pass or take a advance driving test before his license has expired, will the drivers application be treated as a new application after the expiry or will the previous licence be renewed as soon as the driver has passed the advance driving test. There are many other scenarios that need to be discussed and agreed upon before this policy will be acceptable.

We sincerely hope that the Council will agree to urgent negotiations with the associations and signatories to this correspondence and will, in the event that you did not, support the mass protest in Leeds that the GMB have now agreed to organise. The councils draconian attack on drivers that is embedded in these proposals, particularly the convictions criteria, will and must be opposed for the sake of our drivers, their families and the communities we serve.

Regards,

Ghulam Nabi

Secretary of Eurocabs Hackney Carriage Association and the JTC (Joint Trade Council)

For and on behalf of;

Eurocabs Hackney Carriage Association

Joint Trade Council (JTC)

GMB Union West Yorkshire Branch

Streamline-Telecabs LTO

LPHDO

City Cabs Ltd

From: [REDACTED]
To: LPHI-Development
Subject: Re: Working Group Suitability & Convictions Policy
Date: 16 April 2021 11:25:37

Dear Graham

The view of all the trade was united, which was leave everything as it was before.

But I have consulted my members & if we were given 2 options to choose then it would be the second option.

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 9 or more points on a DVLA licence.
An applicant with 9 points or more would ordinarily be refused for a period of 3 years.
An existing licence holder with 9 points or more would ordinarily be referred for driver training or assessment. If such warnings or training have previously been undertaken, revocation may be considered.

Can you keep me updated with regards to this issue in the future also?

Kind regards

Mr Ahmad Hussain
Chairman of LPHDO

Sent from my iPhone

From: Mike Utting
To: IPHL-Development; Calvert, Alison; Flynn, Cllr Billy; Desmond Brester; Bithell, cur Hannah
Subject: Re: Working Group Suitability & Convictions Policy
Date: 14 April 2021 14:21:50
Attachments: imaacool.cna

Hi Graham.

Thank you for your email regarding the policy. To be honest Graham, there were two points made by councillors Billy Flinn and councillors Bithell which made sense. Councillor Bithell suggested above 7 to 8 points VLE should interview drivers and warn them they need to seriously improve their driving skills or otherwise they were in danger of taking an advanced test at VLE which could lead to them losing their license if they could not reach the required standard.

Councillor Billy Flinn put the point forward that he believed action should not take effect until drivers reach 9 points. I suggested we should look at something along those lines as both makes good common sense.

The meeting was a brilliant idea and I believed it was well conducted by Councillor Garner.

Hope this helps

Best wishes

MIKE

Kind Regards
Mike

Mike Utting
Company Chairman

From: [Shammi Raichura](#)
To: [Benwick Graham](#)
Subject: Re: Working Group Suitability & Convictions Policy
Date: 26 April 2021 09:52:42
Attachments: imaaeoo1 ona

Hi Graham,

Apologies for the delay on this - I will get back to you asap this week. We are currently reviewing this with a number of teams and waiting for some internal follow ups before sharing our position.

Thanks

Shammi Raichura
Head of Cities **I**Midlands, Wales, South West & East Anglia

Uber



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From: [Mynard Martin](#)
To: [JPHI-Development](#)
Subject: RE: Working Group Suitability & Convictions Policy
Date: 22 April 2021 07:50:59
Attachments: [imaaco1.pna](#)

Graham,

Apologies for the delayed response, I had a week of leave and came back to hundreds of emails.

My personal opinion regarding the point drivers are referred to taxi licensing for possible sanctions would be at the threshold of 7-8 points. My reasoning for this would be based solely on passenger safety and the drivers status as professional drivers and as such their standards should be maintained continuously along with their vehicles. I accept they are driving and making massively high numbers of journeys collectively so they should be even more aware of speed limits and hazards on the roads.

I also recall this is a standard that is adopted across the Country and would bring the drivers in line with a National standard?

I hope this assists.

Kind regards

Martin

Police Sergeant 5197 Martin Mynard
c/o Leeds District Headquarters
Elland Road
Leeds
LS118BU

From: Murray, Becky
To: TPHI-Development
Cc: McGarvey, Lynsey
Subject: RE: Working Group Suitability & Convictions Policy
Date: 22 April 2021 17:10:14
Attachments: image003.png

Hi Graham

Apologies for the delay in getting back to you. I'd like to respond on behalf of both myself and Lynsey McGarvey for the Influencing Travel Behaviour team (Road Safety).

We agree with the consensus reached by the chair provided below. During the meetings there appeared to be calls for compromise and for support and action to be implemented before the revocation of licences due to minor offences. The meetings covered the stages that would be taken before a licence is revoked and the suggested approach summarises the stages discussed and provides reassurance that it would not be immediate revocation. However, the new standard does address the fact that action should take place sooner than with the existing policy, highlighting the importance of high standards of driving behaviour.

I hope that this is sufficient information, but should you require any further information, please do not hesitate to contact me.

Kind Regards

Becky

Becky Murray
Assistant Transport Planner
Leeds City Council - Influencing Travel Behaviour
8th Floor East | Merrion House | 110 Merrion Centre | Leeds | LS2 8BB

