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Licensing Committee

Tuesday, 9th August, 2022

PRESENT: Councillor J Gibson in the Chair

Councillors N Buckley, R Downes, L Farley,
A Forsaith, S Hamilton, A Hutchison,
J Illingworth, L Martin, L Richards and
I Wilson

11 Appeals Against Refusal of Inspection of Documents

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

12 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information however the Committee was advised that it may be necessary for the meeting to move into closed session should Members wish to discuss the details of the Event Management Plan for the 2022 Leeds Festival.

13 Late Items

No late items of business were added to the agenda.

14 Declaration of Interests

Agenda item 8 Taxi and Private Hire Licensing Results of Consultation on Suitability (Minor Motoring Convictions) – Councillor Forsaith reported that she had taken part in the consultation prior to joining the Licensing Committee and as such, she indicated that she would withdraw from the meeting prior to consideration of that item. (minute 18 refers).

15 Apologies for Absence

Apologies for absence were received from Councillor Flynn, Councillor Garthwaite and Councillor Smart.

16 Minutes

RESOLVED – That the minutes of the previous meeting held 27th May 2022 be agreed as a correct record.

17 Leeds Festival 2022

The report of the Chief Officer, Elections and Regulatory presented the Committee with a summary of the draft Event Management Plan for the 2022 Leeds Festival. The Committee was asked to consider the report which recommended that approval of the final Event Management Plan be delegated to the Chief Officer, Elections and Regulatory.

A summary of the Event Management Plan contents was appended to the report along with a copy of the Premises Licence.

The following were in attendance:

- Melvin Benn, Managing Director Festival Republic

- Jeanie Leach, Licensing Assistant Festival Republic
- Lucy Kinsella, Licensing Co-ordinator Festival Republic

The Committee received a presentation from Festival Republic which provided an overview of the traffic management arrangements for the 2022 festival. In response to Members queries and comments, clarification was provided on the location of the taxi and private hire pick up and drop off points. The Committee also heard details of the partnership work undertaken with the charity “Music Declares an Emergency” to improve the sustainability of the festival and to minimise its environmental impact.

At this stage of the meeting, Members were asked to consider moving into private session as the discussion was likely to involve the disclosure of exempt information, particularly information relating to the financial or business affairs of the Event Organiser and its associates and also information relating to action taken in connection with the prevention, investigation or prosecution of crime.

RESOLVED – That the public be excluded from the following part of the meeting as discussion was likely to involve the disclosure of exempt information, particularly information relating to the financial or business affairs of the Event Organiser and its associates and also information relating to action taken in connection with the prevention, investigation or prosecution of crime.

At the conclusion of discussions in private session, the Committee resumed in public and Members discussed planning for extreme weather conditions, specifically heat, and facilities for staff on site.

RESOLVED – That approval of the final Event Management Plan for the Leeds Festival 2022 be delegated to the Chief Officer, Elections and Regulatory.

(Councillor Forsaith withdrew from the meeting at this point)

18 Taxi & Private Hire Licensing - Results of consultation on suitability (minor motoring convictions)

The report of the Chief Officer, Elections and Regulatory presented the Committee with the outcome of consultation undertaken on proposals to change one of the criteria within the Council’s Suitability and Convictions Policy for Taxi and Private Hire licence holders in relation to points on an individual’s driving licence for minor motoring convictions.

The report included a summary of the consultation responses received and sample questionnaire, comments and objections received along with the Council’s response to the comments and a copy of a proposed decision-making flow chart. Additionally, the report set out some options for the Committee to consider with a view to making a recommendation to the Executive Board:

The Committee received a presentation from the Taxi and Private Hire Licensing Manager which included the following key matters:

- The development of a regional and consistent approach across West Yorkshire and York (WY&Y) to determine an individual's suitability to hold a taxi or private hire licence, in the context of the Institute of Licensing (IOL) national suitability framework 2018.
- In line with the IOL national framework, Leeds and the other WY&Y authorities had consulted on the threshold for refusing a licence at 7 points for minor motoring convictions. The other WY&Y authorities have adopted and implemented policies with the 7 point threshold, based on the individual's record for the last 3 years.
- Following representation from the taxi and private hire trade in Leeds, the minor motoring convictions criterion from Leeds' previous convictions policy was retained, therefore currently the Council may refuse or revoke a licence at 12 points for accumulated minor motoring convictions. Separately a review of the minor motoring convictions criterion was conducted by a working group drawn from officers and stakeholders with a cross-section of views.
- At the conclusion of the review, the working group recommended the Council consult on a revised criteria for minor motoring convictions and the Executive Board meeting of September 2021 supported that approach. Consultation was undertaken during October and November 2021 on the following proposals:
 - Applications for a taxi or private hire driver licence be refused when an applicant has 7 or more points for minor convictions showing on their driving licence;
 - Existing licence holders reaching 7 or 8 points for minor convictions will receive a warning and may be required to attend training; and
 - Existing licence holders reaching 9 or more points for minor convictions may have their licence refused or revoked.
- The methodology and results of the consultation were presented in detail in Appendices A and B of the submitted report.
- Since the initial West Yorkshire wide consultation in 2018/19, the Department for Transport issued Statutory Guidance for taxi and private hire licensing, which included a section on suitability, advising licensing authorities they must have regard to the guidance and have clear and compelling reasons for departing from the standards in the guidance.
- The proposal which Leeds consulted on in 2021 could be regarded as less stringent than the original 2020 proposal and would not wholly align with the policies now adopted by neighbouring authorities.
- Comparative information provided by 85 local authorities in response to consultation with them showed that 72 had implemented criteria for assessing minor motoring convictions.

- The consultation received 2275 responses. 57% from members of the taxi or private hire trades and 43% from the public, passenger representatives and councillors. Of the 756 who responded in favour of the proposal, 674 (89%) were members of the public, passenger or stakeholder groups, 71 (9%) were licence holders. Of the 1481 who responded against the proposal, 1178 (80%) were licence holders, 266 (18%) were members of the public, passenger or stakeholder groups.
- The amendment to the policy would impact on just over 1% of the current taxi and private hire driver workforce – in July 2022 only 72 drivers had 7 or more points on their driving licence, out of a workforce of 6019.
- Motoring convictions and endorsements are the most common issue the Licensing Authority will consider when determining whether an individual is suitable to hold a taxi or private hire driver licence, reflecting on the importance of safe driving.

In conclusion the Committee was directed to paragraphs 38 and 39 of the report for their consideration:

- a) The proposed criterion is **approved** without further amendment;
- b) The proposed criterion is **amended** having regard to the consultation responses, setting out what the amended criterion should be (as set out in paragraph 39 of the report); or
- c) The proposed criterion should not be approved or amended, and that **further work** is required to determine a more appropriate criterion.

In relation to option b), and in relation to the consultation responses, Members were advised that minor amendments such as those seeking to respond to driver concerns and provide further mitigation measures such as when warnings or training is offered to licence holders can be recommended to Executive Board for approval. The specific proposals could be amended from those consulted upon to state the following and summarised in the flowcharts in Appendix C:

- Applications for a new taxi or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence.
- Existing licence holders reaching 7 or more points for minor motoring convictions will receive a warning and will only be required to attend appropriate training.
- Existing licence holders reaching 9 points or more for minor motoring convictions and who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to only refuse or revoke a licence where there are very clear concerns for public safety.

During discussions, the following matters were considered:

- The evidence to support the view that the proposed policy will improve public safety. Members noted the response that driving standards were the second highest source of complaint from passengers, 200-300 accidents and 80-100

complaints were reported annually to the Taxi and Private hire Licensing Section, however this was balanced with the knowledge that 80% of taxi and private hire drivers had no points on their licence and approximately 3 million taxi and private hire journeys were made each year.

- Assurance for taxi and private hire drivers that the decision making process will be transparent. Members noted the factors which decision makers would take into account which included how recently a driver had received remedial training, how long points had been held on the licence/were the points close to expiring. A suggestion to implement a further step to the decision making process in the form of a Member Sub Committee was discussed and supported by the Committee.
- The requirement to have regard to the national guidance issued by the Institute of Licensing and Department for Transport and the need to evidence compelling reasons not to implement the statutory guidance when considering applications and renewals of taxi and private hire driver licences.
- Timescales for dealing with the decision making process and the offer to provide an indicative timeframe in the subsequent guidance to be issued once the future policy is determined and adopted.
- The breadth of consultation undertaken and the opposing views of the drivers and public.
- The frequency of driver training provided; costs and the number of attendees who could be enrolled for each session.
- The fact that the Suitability Policy (minor motoring convictions) will not apply to Leeds City Council employees within the Passenger Transport Service, noting that this service is regulated by separate legislation. Members requested that although this matter does not fall within the remit of the Licensing committee, their concerns be raised with the appropriate lead officer.
- Assurance that minor motoring convictions are an indicator of risk to public safety. Members noted the response that specific work on the correlation between conviction and risk had not been undertaken locally but that the national evidence and guidance was relied upon when drafting the policy approach, additionally, it was known that due to the number of journeys taxi and private hire drivers undertook, they were 3 to 4 times more likely than other drivers to accrue points on their licence for minor motoring convictions. The Institute of Licensing guidance set the figure of 7 points on a licence as the threshold for considering refusal of new applications for a taxi or private hire driver licence.

RESOLVED –

- 1) That the outcome of the consultation be noted.
- 2) To note the supporting information which provides broader context to the implementation of criteria relating to minor motoring convictions.
- 3) That having considered the options set out in paragraph 38 of the report, **Option b)** be recommended to Executive Board:

The proposed criterion is **amended** having regard to the consultation responses, as set out in paragraph 39 of the report and detailed below;

- Applications for a new taxi or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence.
- Existing licence holders reaching 7 or more points for minor motoring convictions will receive a warning and will only be required to attend appropriate training.
- Existing licence holders reaching 9 points or more for minor motoring convictions and who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to only refuse or revoke a licence where there are very clear concerns for public safety.
- For a pilot period of 12 months any licences subject to potential revocation relating to minor motoring offences, be referred to the Licensing Committee or one of its sub committees for determination, to be reviewed by the Licensing Committee after 12 months.

(Under the provisions of Council Procedure Rule 16.5, Councillor Buckley and Councillor Richards required it to be recorded that they abstained from voting on this matter).

19 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 6th September 2022 at 10.00 am