

SCRUTINY BOARD (STRATEGY AND RESOURCES)

FRIDAY, 7TH OCTOBER, 2022

PRESENT: Councillor A Scopes in the Chair

Councillors S Burke, P Carlill, S Firth,
C Gruen, N Harrington, D Jenkins,
K Ritchie and N Walshaw

38 Appeals Against Refusal of Inspection of Documents

There were no appeals.

39 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

40 Late Items

There were no late items.

41 Declaration of Interests

No declarations were made.

42 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted on behalf of Councillors Almass, Chapman and France-Mir. Apologies were also submitted on behalf of Councillor Flynn who was in attendance as a signatory to the call-in but not sitting as a Board Member.

Councillors Harrington, Jenkins and Walshaw were in attendance as substitutes.

43 Call In Briefing Paper

The Head of Democratic Services submitted a report advising the Scrutiny Board on the procedural aspects of Calling In the decision.

Members were particularly advised that the Call In is specific to the relevant report considered by the Executive Board, and issues outside of the decision, including other related decisions, were not to be considered as part of the Board's decision regarding the outcome of the Call In.

Members were also advised that the options available to the Scrutiny Board in respect of this particular called in decision were as follows:

Option 1- Release the decision for implementation

Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be called in again.

Option 2 - Recommend that the decision be reconsidered

The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.

In the case of an Executive Board decision, the report of the Scrutiny Board will be prepared within three working days of the Scrutiny Board meeting and submitted to the Executive Board. Any report of the Scrutiny Board will be referred to the next Executive Board meeting for consideration.

In reconsidering the decision and associated Scrutiny Board report, the Executive Board may vary the decision or confirm its original decision. In either case, this will form the basis of the final decision and will not be subject to any further call in.

Failure to agree one of the above options

If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to call in.

RESOLVED – That the report outlining the call in procedures be noted.

44 Taxi & Private Hire Licensing - Results of Consultation on Suitability (Minor Motoring Convictions)

The Head of Democratic Services submitted a report that presented background papers to an Executive Board decision which had been called in in accordance with the Council's Constitution.

The decision had been called in for review by Councillors Billy Flynn, Andrew Hutchison, Neil Buckley, Mike Foster and Linda Richards.

The Scrutiny Board considered the following written information:

- Copy of the completed Call In request form.
- Report of the Director of Communities, Housing and Environment 'Taxi & Private Hire Licensing – Results of Consultation on Suitability (minor Motoring Convictions) presented to Executive Board at its meeting on 21 September 2022.

- Extract from the draft minutes of the Executive Board meeting held on 21 September 2022.

The following were in attendance:

- Councillor Billy Flynn, Lead Signatory to the Call-in
- Councillor Deborah Coupar, Executive Member
- Councillor James Gibson, Chair of the Licensing Committee
- James Rogers – Director of Communities, Housing and Environment
- John Mulcahy – Chief Officer, Elections and Regulatory
- Andrew White – Taxi and Private Hire Licensing Manager
- Kev Shillito – Section Head, Legal Services
- Nikki Deol, Legal Adviser to the Scrutiny Board

As the Nominated Lead Signatory to the Call In, Councillor Flynn addressed the Board. Councillor Flynn raised the following issues:

- The taxi and private hire trade was an essential part of the city economy and in particular the night time economy.
- The trade had been under pressure since the lockdown. They were hard hit during the lockdown due to their self-employed status and have also suffered due to roadworks. Other factors included a reduction in the number of pick up and drop off points and a fall in customers due to people working from home. The trade had subsequently lost a lot of drivers.
- There was a need to safeguard vulnerable people who used taxis and private hire vehicles but this decision only related to minor motoring convictions.
- The guidance was flexible and allowed alterations to local policy. Dozens of local authorities have done this including other West Yorkshire authorities.
- Drivers had to satisfy the Council that they were a fit and proper person to obtain a licence and Leeds was seen as having one of the toughest regimes for vehicle and driver standards.
- The current policy had only seen 6 licences revoked due to accumulation of points over the past 9 years. It was questioned as to why there was a need to change the policy in light of this.
- Reference was made to work that had been ongoing to improve communications with representatives of a trade which included cross party working.
- The call-in had followed two sets of consultation and various demonstrations from representatives of the trade. The final set of consultations that had been considered by the Executive Board had not been supported by the trade.
- Following meetings with trade representatives, Councillor Flynn had written to the previous Chair of the Licensing Committee and the Leader of the Council regarding the strong concerns with regard to the policy. It was considered right to review the policy but not necessarily to change it.

- Only 0.1% of drivers had had their licences revoked under the current policy and only 1% currently have 7 points on their licences. Drivers were aggrieved that other public service drivers were not subject to such strict criteria. This included drivers employed by Leeds City Council who also transported vulnerable passengers, for example in Fleet Services.
- 94% of licence holders had objected to the proposals with regard to minor motoring convictions and it was felt that sufficient account of this had not been taken following the consultation.
- Many of the consultees were not representatives or users of the trade and the consultation should have taken account of this given that knowledge of the trade in this cohort of responders would arguably be less than regular users or license holders themselves.

In response to questions to Councillor Flynn, the following was discussed:

- Drivers who were licensed by other authorities do work legally in Leeds. Although they were not permitted to ply for hire in Leeds, this was difficult to enforce due to the high numbers and use of apps for booking. This had been detrimental to those who were licensed by Leeds City Council.
- There would be a 12 month pilot for a Licensing Sub-Committee to meet to determine any appeals against revocation of licences. It was felt that this would just move responsibility from officers to Elected Members and previous schemes had not been successful due to pressure on Elected Members.
- There was flexibility to deviate from the guidance which other authorities have done including an authority in the West Yorkshire area.
- The previous policy had never been challenged. There was no need to change it.
- There had been demonstrations in other West Yorkshire Authority areas although it was not known if this was with regard to minor motoring convictions.
- The whole point of the call-in was due to the issue surrounding minor motoring convictions.
- Other West Yorkshire authorities currently have stricter criteria than Leeds. Wakefield revoked licences when drivers had received a minimum of 7 points. Drivers in Leeds would be offered further training at this stage.
- There was a concern that some of the consultees outside of the trade had enough information to make an informed choice.

Councillor Coupar, Deputy Leader of the Council and Executive Member for Resources addressed the Board. The following was highlighted:

- The taxi and private hire trade was valued by the Council for providing an excellent service to citizens and visitors of the city.

- The proposals had been through thorough cross party consultation by the Licensing Committee and a working group set up to look into the issue in more detail. Proposals for revocation of licences when drivers had reached 7 points had previously been supported.
- The aims and objectives of the policy are to protect the safety of the public. Only a small number of drivers would be affected by the policy. It would only affect those with the poorest driving standards and revocation would only affect those who persistently failed to maintain satisfactory driving standards. Revocation or refusal to renew a licence would be used as a last resort only.
- Additional training provided would help support drivers to improve their driving standards.
- Consultation with the public for the Safer Roads Vision Zero Strategy showed a desire for improved driving standards and road safety. The Council also had to give regard to the statutory guidance from the Department for Transport and the Institute of Licensing guidance for minor motoring convictions.
- Drivers had to pass an advanced driving test before being granted a licence.
- Consultation had been done with all licensing authorities in England and the majority of those authorities that had provided a response had agreed the guidance with regard to minor motoring convictions.
- The consultation was based on recommendations from the Licensing Committee's working group that included trade representatives, elected members on a cross party basis and other stakeholders.
- The Licensing Committee report addressed all objections giving consideration to all replies which helped to revise the recommendations.
- There was significant consultation on the policy which was carefully considered leading to the revised recommendations which were approved by Executive Board.
- The Council had worked with other authorities to try and harmonise policies across Yorkshire and have a policy that meets Department of Transport statutory guidance.

In response to comments and questions, discussion included the following:

- The other West Yorkshire Authorities and York had all implemented refusal of new licences at 7 points and also renewal of existing licences with a consideration to revoke at 7 points. There was a difference from the Institute of Licensing Guidance that this would only be for three years and not five years.
- The Board was informed of the policy with other core cities in England. There was a difference in some adopting the Institute of Licensing guidance and others implementing stricter or in some cases different criteria.
- The development of a Taxi Driver's Charter. This had been discussed with the Trade Unions and work was ongoing on this issue.

- The Board was informed that there had been some positive comments from the trade regarding how the Council had listened throughout the consultation although some of the trade remained opposed. It was noted that there was still significant opposition from the trade to the policy
- The use of a flowchart to give clarity to how the policy would be implemented and how it may affect individual drivers.
- Concerns were raised about the fairness of the policy when comparing the requirements the Council was placing on taxi drivers compared to professional drivers the Council employed directly.
- The policy was made by the Council as the Licencing Authority because there was a duty to licence taxis and private hire vehicles. The Council believed it was not appropriate to compare this policy to those that applied to other public service drivers who would be regulated in other ways as Council employees.
- If the policy wasn't implemented then the existing policy would remain in place. An outcome of this could see drivers that couldn't get a licence elsewhere applying to Leeds due to having a less stringent policy approach.
- The consultation was not just taxi and private hire holders but other community groups with interests. There was some public objection to the policy however the majority of the response from the public was in support of the policy or to ask for even stricter standards.
- Issues that had been raised outside the scope of the call-in had been discussed with the trade and engagement was ongoing. This included safeguarding of drivers, issues surrounding drivers from outside Leeds and those who had licences revoked elsewhere and applying to Leeds.
- Work on harmonisation across West Yorkshire was ongoing with regards to all issues across the trade.
- There would be no immediate change when the policy went live. There would be communication with all stakeholders and all new offences that took drivers over the points limit would result in training and only if they received further points would further action be taken.
- The recommendation from Licensing Committee was for the Sub-Committee provision for review to last for 12 months and then a further decision be made to whether it should continue. Feedback from the trade would be considered by the Licensing Committee as part of this.
- The consultation had been undertaken without bias and met all requirements including natural justice and appropriate weight had been given to all responses. The consultation had gone further than requirements of statutory guidance and legislation.

In conclusion to the Board's discussions, the Chair invited both the Executive Member and the Nominated Lead Signatory to provide a final summing up before moving to the decision of the Board.

RESOLVED – That the contents of the report, along with comments from Members, be noted

45 Outcome of the Call In

The Scrutiny Board considered whether or not to release the decision for implementation. A vote was subsequently held and the Scrutiny Board agreed (by majority decision) that the decision be released.

RESOLVED – That the decision be released for implementation

46 Date and Time of Next Meeting

Monday, 7 November 2022 at 10.00 a.m. Pre-meet for all Board Members at 9.45 a.m.