



Report of the Assistant Chief Executive (Corporate Governance)

Licensing Committee

Date: 15th February 2011

Subject: A Report on the program of review on consultation process of policies, conditions and Byelaws affecting Taxi & Private Hire Licensing

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

The Taxi & Private Hire Licensing Section carries out statutory functions on behalf of the Council. It is guided and directed by a variety of policies, licensing conditions and Byelaws predominantly approved by the Council's Licensing Committee.

A full review is being undertaken of those policies, conditions and Byelaws and this report identifies the rolling program of review and the consultation process.

1.0 Purpose Of This Report

- 1.1 To identify to Members all the policies, conditions and Bye-laws relating to the Hackney Carriage and Private Hire trade considered necessary by the Council to fulfill its statutory functions under the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 To inform Members of the rolling program of review and consultation and how those matters reviewed will be brought to the Licensing Committee for consideration.

2.0 Background Information

- 2.1 This document at Appendix 1 identifies all of the Council's current conditions, policies and Byelaws and sets out the dates for initial consultation.
- 2.2 The Policies and Conditions have evolved since the Council adopted the Local Government (Miscellaneous Provisions) Act 1976 and it is a requirement that such policies are reviewed in appropriate time scales. The Byelaws have remained unchanged since being introduced in March 1975.

3.0 Main Issues

- 3.1 To meet its legal obligations the policies and conditions must be reviewed and consultation undertaken in a meaningful way with those people who may be affected.
- 3.2 The trade were initially informed of the review by email, where we hold an email address, on Friday 19 November 2010. In addition, the proposed program of review was published on the Council's website on the same date. The closing date for responses was Friday 19 December 2010 and the Section did not receive any feedback.
- 3.3 Additionally the process has been explained to the trades at forums with the following comments.

HACKNEY CARRIAGE:- A request that the period of initial consultation in respect of the vehicle conditions be extended by two months to enable vehicle manufacturers sufficient time to respond. This has been agreed to by the author of this report. The Hackney Carriage trade representatives undertook to consult with their members and provide feedback at each stage of the process.

PRIVATE HIRE OPERATORS: - There were no suggestions put forward at the Trade forum on 27 January 2011. Despite that, it is intended to post to Operators the policies, and conditions for consultation so that they can be placed in appropriate areas for drivers to view.

EXECUTIVE HIRE OPERATORS:- An initial concern was expressed that their policies and conditions were at the end of the consultation process and that they might be disadvantaged. Two areas of concern were raised and discussed and it was agreed that those two matters could be dealt with within the existing policy and conditions, thereby enabling the proposed program of review to remain as it is.

- 3.4 The program of review was placed on the Council's website for initial consultation for a two month period. Following this, the consultation feedback and the views of

Officers will lead to the preparation of revised documents, which will then be presented for further consultation. This will be for a period of up to 3 months and after this second consultation period an officer's final report will be prepared for the Licensing Committee to consider.

- 3.5 If the Licensing Committee agree to the timetable of review each of the issues will be consulted on in accordance with the timescale. Members should however note that the timescales for the presentation of reports to them may not be in the order that the consultation process has been undertaken because of different volumes of work potentially required. Also until the consultation has been completed it will not be possible to place the reviewed items on the licensing work plan.

4.0 Implications For Council Policy And Governance

- 4.1 Council policy in respect of this subject is mainly set by the Licensing Committee or in the case of administrative processes by Officers and changes to policy will be approved by the Licensing Committee in line with the Constitution.

5.0 Legal And Resource Implications

- 5.1 The Consultation process is a necessity and involves the key stages of information sharing in the first instance followed by consideration of objective feedback prior to the preparation of draft proposals which in turn will be further consulted on. Following this the final report will be submitted to Members for consideration.
- 5.2 There are significant resource implications in terms of consultation background material research, document preparation and presentation to the Licensing Committee. There will be no additional resources to undertake this work and this significant process will have to be managed alongside other competing demands.
- 5.3 The program of documents has been grouped in a manner that enables Officers to deal with the issues in a more manageable way.

6.0 Conclusions

- 6.1 The work being undertaken is necessary and time consuming but it is an opportunity for genuine and constructive participation on the part of all those people who are affected by the policies, conditions and Byelaws to contribute to policies that reflect well on the city of Leeds and increase public safety.

7.0 Recommendations

- 7.1 That Members agree to the review timetable and return the program to Officers to undertake consultation and the preparation of final reports for the Licensing Committee.

Background Papers

none

APPENDICES

Program of consultation and review.