

## Licensing Committee

Tuesday, 16th October, 2012

**PRESENT:** Councillor S Armitage in the Chair

Councillors K Bruce, R Downes, J Dunn,  
B Gettings, T Hanley, G Hussain, G Hyde,  
A Khan, P Latty, B Selby and C Townsley

### 52 Late Items

No formal late items of business were added to the agenda, however Members were in receipt of an additional response to the consultation on three yearly CRB checks (minute 58 refers). The response had been received just within the time limit for receipt of the responses but after the despatch of the agenda.

### 53 Declaration of Disclosable Pecuniary and other Interests

There were no declarations of interest

### 54 Apologies for Absence

Apologies for absence were received from Councillors Buckley and Charlwood. Councillors Downes and Wilkinson had indicated they would be late due to other meeting commitments

### 55 Minutes

**RESOLVED** – That the minutes of the meeting held 14<sup>th</sup> August 2012 be agreed as a correct record

### 56 Large Casino - Amendment to Advisory Panel Membership

The Head of Licensing and Registration submitted a report on a change to the membership of the Advisory Panel established to provide a detailed appraisal to each of the Stage 2 Large Casino applications for the Committee.

**RESOLVED** -

- a) That the contents of the report be noted and approval be given to the amendment to the membership of the Advisory Panel
- b) That responsibility for approval of any further changes to the membership be delegated to the Head of Licensing and Registration

### 57 Revised Training Requirements for all Hackney Carriage and Private Hire driver applicants

Further to minute 20 of the meeting held 26<sup>th</sup> June 2012 when the Committee reviewed the requirement for driver applicants to undertake NVQ/VRQ training, the Head of Licensing and Registration submitted a report on the results of the subsequent public consultation and setting out proposals for a training package for all Hackney Carriage (HC) and Private Hire (PH) driver applicants to be delivered in-house as an alternative to the former NVQ/VRQ training requirement. A schedule of the training assessment criteria was included within the report.

It was reported that some NVQ funding still remained, therefore the proposals included reference to the nationally recognised NVQ qualifications as an acceptable alternative to the new in-house course if applicants preferred to pursue it. Additionally, the report stated that existing drivers would only need to attend the new in-house course in the event of a substantiated complaint or conditions breach.

Officers highlighted the recommended approach – for LCC Transport Services to deliver the training package – and discussed the significant cost savings this approach would deliver to both the trade and LCC.

The Committee remained supportive of the driver training criteria and considered the following related matters:

- The comments contained within the responses submitted by the public during the consultation particularly in relation to the public perception of drivers
- The need for the success of the training scheme to be monitored and the results be reported back to Committee
- The methods of consultation undertaken and whether any additional methods could be identified to ensure wide participation
- The suggestion that the efforts being made to improve the professionalism and skill set of drivers should be publicised as this would help improve the image of the trade

**RESOLVED-**

- a) That the completion of an in-house course as set out in Appendix A of the report be adopted as a pre-condition for Hackney Carriage and Private Hire drivers prior to the grant of a licence
- b) That the in-house course be provided by Leeds City Council Transport Services
- c) That the cost of the training and testing programme is met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for remedial training who are existing licence holders
- d) That the requirement to undertake the in-house training will apply to those applicants whose application is received after 31<sup>st</sup> January 2013
- e) That existing drivers will only be required to attend the new in-house course in the event of a substantiated complaint or conditions breach
- f) That applicants who have already attained the NVQ/VRQ, or can demonstrate that they are studying towards achieving the NVQ/VRQ, would be exempt from the requirement to undertake the new course. Those studying towards the NVQ/VRQ would have until the date of the renewal of their licence to complete the course, otherwise they will have to attend the in-house course at the next available opportunity
- g) A Leeds City Council Certificate of Achievement will be awarded to successful applicants on completion of the in-house course

**58 Introduction of Three Yearly Criminal Records Bureau checks on Hackney Carriage & Private Hire Drivers and Private Hire Operators - Results of Public Consultation**

Further to minute 21 of the meeting held 26<sup>th</sup> June 2012 the Head of Licensing and Registration submitted a report setting out the results of the public consultation undertaken on proposals to introduce three yearly Criminal

Records Bureau checks on HC and PH drivers and PH Operators. The report included a schedule of comments received during the public consultation for Members reference. Appended to the report was a schedule showing likely costs of the checks to drivers/operators.

Officers reported that the Criminal Records Bureau planned to introduce an on-line checking system and a new annual on-line update service from early 2013. This would enable an individual to register for annual updates, once the initial CRB check had been completed; and could potentially reduce the costs to drivers and avoid the need for additional staff to be recruited to process the three yearly CRB checks.

Members were referred to previous discussions on whether there had been any interest from the trade in the issue of three yearly drivers' licences for relevant drivers and whether the three yearly CRB check could be tied into those drivers' renewals. It was agreed that a progress report on the scheme for three yearly licence renewals be presented to Committee in early 2013.

**RESOLVED –**

- a) That a decision to implement more regular CRB checks be deferred until more information on the new on-line process is available. A further report will be presented to Licensing Committee in April 2013
- b) To request that a progress report on a scheme for three yearly licence renewals be presented to Committee in early 2013.

**59 Taxi & Private Hire Licensing Policy review - Results of public consultation for the application process, the medical exemption policy, stretched limousine conditions (driver, operator & vehicle) and Private Hire driver conditions**

The Head of Licensing and Registration submitted a report on the review of all existing taxi and private hire policies and setting out the results of public consultation undertaken with regard to the reviews completed so far.

The report detailed the conclusions with regards to the Application Process, the Medical Exemption Policy; and Stretched Limousine Conditions (for drivers, Operators and vehicles). Officers had also undertaken a review and public consultation on the Private Hire Driver Conditions and a copy of the Conditions including proposed amendments was attached to the report. Officers noted a request to amend Explanatory Note N<sup>o</sup>5 to refer to "council's currently approved supplier"

**RESOLVED –**

- a) That there be no change to the current application process and that the next time the process is reviewed will be in 2017 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- b) That there be no change to the existing medical exemption policy and that the next time the policy is reviewed will be in 2017 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- c) That there be no change to the existing stretched limousine conditions (driver, operator & vehicle) and that the next time the conditions are reviewed will be

in 2017 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

- d) That the proposed changes to the Private Hire driver conditions as detailed in appendix C (and including the amendment outlined above) be agreed and approved as a significant operational delegated decision.

(Councillor Downes joined the meeting at this point)

## **60 Hackney Carriage and Private Hire Driver's Petition for Equal Rights and Alleged unlawful application of Immediate Suspension Powers**

Further to minute 46c) of the meeting held On 14 August 2012 when the Licensing Committee requested that officers prepare draft guidelines on the use of immediate suspension powers, the City Solicitor submitted a report presenting draft guidelines for consideration and comment. Members noted that consultation would be undertaken with the trade prior to publication of the Guidance.

The following matters were discussed:

- The decision making process undertaken by officers prior to a suspension and/or revocation being made and the follow-up process undertaken after an immediate suspension made under Section 61(2B) of the Road Traffic Act 2006
- The process undertaken by officers to investigate allegations made against a driver and the course of redress available to drivers through the Magistrates Court. Members also noted that drivers had the opportunity to respond to an allegation during the investigative process

Some Members expressed concern over the length of time an appeal against an officer decision could take to be considered at the Magistrates Court and the loss of earnings incurred by drivers on suspension. Officers responded that timeframes were unpredictable as they depended on the complexity of an investigation and the Magistrates Court lists. The Committee then went on to raise specific queries relating to the number and nature of suspension/revocation cases this year and requested a further report be presented detailing the number of allegations received, the length of time of any suspensions; the number of cases dealt with at court and any convictions and seeking an assessment of the overall practice. Additionally Members noted the suggestion that bullet point 5 of the guidance be amended to read:

“• Allegations of dishonesty relating to use of the vehicle such as attempting to pervert the course of justice in relation to a road traffic accident, fraudulent use of tax or insurance documentation, knowingly driving an uninsured vehicle to convey members of the travelling public. (e.g. *plying for hire*)”

### **RESOLVED -**

- a) That the comments made by members be noted
- b) That the contents of the draft Guidelines, including the amendment detailed above, be approved for consultation with the Hackney Carriage and Private Hire trades.

- c) To request that a further report providing monitoring information on the number and nature of suspension/revocation cases this year be presented in due course

**61 Work Programme**

**RESOLVED** – That the contents of the Licensing Work Programme, with the additions made at this meeting, be noted

**62 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as 13<sup>th</sup> November 2012 at 10.00 am \*

\* this meeting was subsequently cancelled