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KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Friday 18 March 2011

Present: Councillor Christine Iredale in the Chair
Councillors Ahmed, Cook, Dodds, S Hall, Hardcastle, Harris, Murphy,
Parchment, Stanfield, Ward and Yates

Apologies: Councillors Mumtaz Hussain, O'Neill, Wilkinson and Tony Woodhead

1 Membership of the Committee

There were no changes in membership.

2 Minutes

The Minutes of the meeting of the Committee held on 16 September 2010 were approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

The Committee considered the question of the exclusion of the public and determined that all the items be taken in public session. Prior to the meeting, the Chair had agreed that an urgent item be considered in respect of Proposed Changes to Licensing Conditions for Horse Riding Establishments in Kirklees.

Prior to the commencement of the meeting, the Committee received and considered an email from Mr Akooji Badat from the Taxi Trade which contained comments on Agenda Items 7 to 13 respectively.

During the meeting, the Committee adjourned to consider further the email from Mr Akooji Badat and correspondence received from the Taxi Trade in respect of the following Agenda Items:-

Item 8 - Licensing Department - Public Counter Services

Item 11 - Driver Badge Renewals

Item 12 - Bradford Road/Hick Lane, Batley - Hackney Carriage Rank

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time
No questions were asked.

7 Proposed Changes to Licensing Conditions for Horse Riding Establishments Licensed under the Riding Establishments Acts 1964 and 1970

The Committee considered a report seeking approval to update standard licensing conditions for horse riding establishments in Kirklees.

The report indicated that the Council was responsible for licensing horse riding establishments. Approved Veterinary Officers were involved in the licensing inspection and provided a written report to the Animal Health Officer with recommendations as to whether a licence should be granted. In the past, concerns had been raised by the Vets relating to the qualifications of the instructors at some establishments. Officers were now seeking to incorporate a condition which clarified the level of training required by those involved in running a riding establishment. In addition, it was proposed to amend Condition 1 which currently stated the maximum number of horses accommodated on the establishment at any one time must not exceed that stated on the licence. Officers felt that this condition was prohibitive to businesses as it did not allow for other horses to be present on the premises for other purposes. Therefore it was proposed that the licence included a schedule of horses past by the Vet for use in the riding establishment.

Currently the licensing procedure dictated that Officers check the amount of Public Liability Insurance was adequate with the Council's Insurance Department. It was proposed that Condition 20 should be amended to include that the amount of Public Liability Insurance must be deemed adequate and agreed by the Council's Insurance Department.

RESOLVED - That the proposed amendments to Conditions 1 and 20 and the New Condition 24 as detailed in Appendix 4 to the submitted report be approved.

8 Hackney Carriage/Private Hire Driver Training Course

The Committee considered a report which set out details of the newly designed proposed Training Course for Hackney Carriage and Private Hire Drivers, which would enable drivers to obtain suitable training on a full range of issues relating to the use of a vehicle.

The Regulatory Panel previously had, as sanctions, a facility to refer drivers appearing before them to a Speed Awareness Course or a Driver Improvement Course. The new proposed Training Course had been drawn up to fulfil the elements of the other two courses and had been designed specifically for Licensed Taxi Drivers.

RESOLVED - That the contents of the newly designed Training Course be approved and that any licensed driver, referred to the Training Course, failing to attend be brought before the Regulatory Panel.

9 Licensing Department - Public Counter Services

The Committee considered a report on proposals to reduce counter services opening hours at the Licensing Department in Huddersfield. The Licensing Department currently offered a counter service to its customers from its Huddersfield Office on Monday to Friday from 9.00 am to 3.30 pm. The counter service was for all customers regardless of licence type. The Department also offered counter services from its Dewsbury Office on Tuesdays and Thursdays each week from 9.00 am to 12.30 pm and 1.30 pm to 3.30 pm. This Office closed for lunch as it was manned by two staff only. The Dewsbury Office confined its counter service to customers from the Hackney and Private Hire Trade only.

The report indicated that maintaining the current arrangement was becoming increasingly difficult due to reduced numbers in staffing particularly on Tuesdays and Thursdays when four members of the administration staff were needed to man both counters. In order to alleviate the problem it was proposed to close the Huddersfield Office to the public on Tuesday and Thursday (when the Dewsbury Office was open).

The Committee was informed that the Dewsbury Office did almost as much business on Tuesdays and Thursdays as the Huddersfield Office did over the current five days. To reduce the impact of closing the Huddersfield Office on Tuesday and Thursday, it was proposed to extend the Huddersfield Offices public opening time to 4.30 pm on Monday, Wednesday and Friday.

The Committee also received details of a response from a driver, objecting to the reduction in the counter services opening hours which was attached at Appendix 1 to the submitted report.

Under the provisions of the Council's Procedure Rule No. 37, the Committee heard representations from Fayyaz Sayed, a private hire operator, who spoke against the proposal to reduce counter services opening hours.

RESOLVED -

(1) That the report be approved and that accordingly, the Huddersfield Counter Service Office be closed to the public on Tuesday and Thursday, when the Dewsbury Counter Service Office is open.

(2) That, in order to reduce the impact of (1) above, the opening hours of the Huddersfield Office be extended to 4.30 pm on Monday, Wednesday and Friday.

10 Equality Act 2010 - Taxis and Private Hire Vehicles

The Committee considered a report which gave details of the provisions of the Equality Act 2010 in relation to Hackney Carriage and Private Hire Vehicles. The Act included many of the taxi and private hire vehicle

provisions which had been in the Disability Discrimination Act 1995, but it also included some important changes. Sections 160 to 173 related specifically to taxis and private hire vehicles and the Committee was requested to determine whether the Authority should maintain a list of Designated Vehicles for the purposes of the Act.

RESOLVED -

(1) That the report be approved and that the Authority maintain a list of Designated Vehicles for the purposes of the Equality Act 2010.

(2) That the Licensing Manager be given delegated authority to determine exemptions to drivers on medical grounds from the duties imposed by the Equality Act 2010.

11 Hackney Carriage/Private Hire Driver Medicals

The Committee considered a report which gave details of when the Authority requested a medical from applicants wishing to apply for or renew their Hackney Carriage/Private Hire Licence.

The Committee was requested to consider a proposal that the Council adopt the Government Standards in respect of medicals and the report also referred to medicals being brought into line with Passenger Service Vehicles licence medical checks which were submitted to the DVLA.

RESOLVED - That the report be approved and that the Council adopt the Government Standards in respect of medicals for Hackney Carriage/Private Hire Drivers.

12 Driver Badge Renewals

The Committee considered a report which gave details of a request received from a Taxi Trade Representative for the Licensing Authority to consider introducing options of one, two and three year renewals for Taxi Driver Licences.

The report reminded the Committee that Taxi Driver Licences were currently renewed on an annual basis only and that three years was the legal maximum a licence could be issued for. The report referred to the Department for Transport Best Practice Guide in respect of the renewing of licences and also provided information relating to the requirement for Criminal Record Bureau (CRB) checks to be made so as to comply with the Fit and Proper Person Test.

The Committee was recommended to agree that badge renewals continue to be on an annual basis.

RESOLVED - That Taxi Driver Badge Renewals remain on the current one year renewal basis.

13 Bradford Road/Hick Lane, Batley - Hackney Carriage Rank

The Committee considered a report on the background to the siting of a two vehicle Hackney Carriage Rank at the above location and was requested to determine whether the Rank should continue or not.

Under the provisions of the Council's Procedure Rule No. 37, the Committee heard representations from Fayyaz Sayed, a local private hire operator, who spoke in favour of the removal of the Rank.

RESOLVED - That the Rank at Bradford Road/Hick Lane, Batley be removed.

14 Penalty Points System for Taxis and Private Hire Vehicles

Pursuant to Minute 8 of the last meeting, the Committee considered a report which requested them to consider whether the implementation of a Penalty Points System for Taxis and Private Hire Vehicles should be progressed, following consideration of the matter by a Working Party which had previously been established by the Committee.

The report indicated that the primary objective of implementing a Penalty Points Scheme would be to improve the levels of compliance within the Taxi Trade, which would subsequently help improve the standards, safety and protection of the travelling public.

Representatives of the Taxi Trade had stated that drivers felt that the existing system was working well and that they would not welcome a Penalty Points System. These views were mirrored in a petition attached at Appendix 1 to the submitted report, whereby drivers felt that the proposals were a direct discrimination and many of the drivers had called for strike action.

Attached at Appendix 2 was an updated Penalty Points Scheme and this included details of further offences which had been put forward by the Police.

RESOLVED -

(1) That approval be given to introduce a Penalty Points Scheme for Taxis, Private Hire Vehicles and Operators, together with a Rewards Scheme.

(2) That a Working Group be established to take the initiative forward, with a view to introduce a Penalty Points Scheme and Rewards Scheme by 1 January 2012.

(3) That the Members of the Working Group be Councillors Rochelle Parchment, Adrian Murphy and Steve Hall and that representatives from the Taxi Trade be invited to attend meetings of the Working Group.

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Councillor Derrick Yates

The Committee noted that Councillor Yates was attending his last meeting of the Committee as he was not standing at the Local Elections on 5 May 2011.

The Committee thanked Councillor Yates for his valued contributions and commitment to the work of the Committee and extended to him very best wishes for the future.