

Contact Officer: Carol Tague

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Tuesday 11th June 2019

Present: Councillor Amanda Pinnock (Chair)
Councillor Carole Pattison
Councillor Mahmood Akhtar
Councillor Karen Allison
Councillor Paola Antonia Davies
Councillor David Hall
Councillor James Homewood
Councillor Michelle Grainger-Mead
Councillor Terry Lyons
Councillor Mohan Sokhal
Councillor Kath Taylor
Councillor Harpreet Uppal

In attendance: Samantha Lawton, Operations Manager, Public Protection (Licensing)
Russell Williams, Group Leader, Licensing
David Stickley, Senior Legal Officer

Apologies: Councillor Christine Iredale
Councillor Mumtaz Hussain
Councillor Manisha Roma Kaushik
Councillor Michael Watson

1 Membership of the Committee

Apologies for absence were received from Councillors Hussain, Iredale, Kaushik and Watson.

2 Minutes of Previous Meeting

The minutes of the meeting of the Panel held on 13 March and 22 May 2019 were approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

That all agenda items be considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were received.

7 West Yorkshire Policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing

The Committee received a report which sought approval for the adoption of the West Yorkshire policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing.

The Committee were informed that the proposed Policy had been developed by working in partnership and considering the existing policies in place across West Yorkshire and York, the Institute of Licensing's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades. The Driver Suitability Policy had been agreed across West Yorkshire and York, and was compliant with the new guidance.

It was noted that at its' meeting of the Licensing and Safety Committee on 11 October 2018, Members gave approval for officers to consult on the Policy. Consultation began the week commencing 5 November 2018 and ended on the 18 January 2019.

The Committee were informed that the majority of people who responded agreed with the tariffs consulted upon, apart from the minor traffic or vehicle related offences and hand held telephone / devices, where there was a mixed response, with the majority of those responding being of the view that the 5 year tariff was too high.

Having considered the responses, it was proposed that minor traffic or vehicle related offences be reduced to 3 years in line with the concerns raised by the respondents. However, notwithstanding the results of the consultation, it was proposed that the tariff for driving whilst using a hand-held telephone or other device remained at 5 years. The reason being, that it was an endorsable offence and was deemed a significant one that carried a 6 point tariff on a licence, whilst most other endorsable offences carried 3 points and so should not be confused with a minor traffic offence.

Committee members asked a number of questions, responses to which are summarised below:

- The Policy would apply to new applicants from 1 August 2019 and existing licence holders on licence renewal.
- In relation to the time periods that should elapse following an offence, the Council was still under a duty to consider each case and could depart from the time periods specified if there were serious concerns as to an individual case.
- Applicants were exempt from the Rehabilitation of Offenders Act and spent convictions were relevant. Appropriate weight would be applied to consider the time period and seriousness of the offence.
- With regards to terrorism offences, it was noted that there was the option to depart from the guidance and revoke immediately where appropriate.
- With regards to the use of weapons, it was noted that the carrying of objects such as a bat in the name of self-defence was not acceptable.

RESOLVED - The Committee:-

- (1) Approved the adoption of the policy on determining the suitability of applicants and licensees as drivers in taxi and private hire licensing, as presented at Appendix A of the report, and that this new policy be effective from the 1 August 2019.
- (2) Authorised the Group Leader of Licensing, in conjunction with their immediate Operational Manager and Head of Service for Public Protection, to make any minor changes necessary to the policy, to remain commensurate with the outcomes of the other West Yorkshire and York Authorities.

8 West Yorkshire Driver Training Policy

The Committee received a report which sought approval for the adoption of the West Yorkshire (and York) driver training policy.

The Committee were informed that the driver training policy formed part of that overall assessment of fitness and propriety. The aim was to ensure that the travelling public within West Yorkshire and York could be confident that drivers licensed by each authority had been trained to the highest standard and to a standard which was consistent across the West Yorkshire and York region.

It was noted that consultation on the policy had taken place between November 2018 and January 2019. Most of those responding to the surveys, agreed with the modules that applicants for a new licence would be trained on, but the majority did not agree with the pass mark being set to 90%. In relation to refresher training for existing licence holders, most respondents to the survey stated they did not agree refresher training should be done every three years and this response was consistent across the other West Yorkshire Authorities.

Following consideration of the survey results, Kirklees and the other five authorities had amended its proposed policy as follows:

- to reduce the pass rate from 90% to 80%
- removed the requirement that existing drivers, undertaking refresher training, to pass a test

Whilst there was a majority against refresher training, the Committee were advised that it was important that existing drivers were kept up to date with changes in legislation, conditions, good practice and any changes as result of statutory guidance. But, as previously stated, officers agreed the test element from the refresher training was not required.

RESOLVED - The Committee approved the adoption of the policy on driver training, as presented at Appendix A of the report and that this new policy be adopted from the 1st August 2019.

9 Vehicle Age Policy - Upper Age Limit

The Committee received a report which provided information as to the result of a review of the Council's private hire and hackney carriage upper age limit policy, and sought approval for one of the recommendations outlined within the report.

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The Committee were informed that in October 2018, members of the Licensing and Safety Committee, gave authority for officers to consult on the overarching taxi policy, with consultation then taking place between November 2018 and January 2019.

The Committee were advised that officers and the Chair of the Licensing and Safety Committee held a meeting with trade representatives in April 2019. It was noted, that the trade would like to see the upper age limit increased to 15 years old across all types of vehicles. However, the trade also considered it reasonable that the upper age limit increase to 15 years of age for certain type / class of vehicle, for example hybrids, electric and adapted vehicles / specialist vehicles.

The trade were supportive of a move to more environmentally friendly vehicles such as hybrids and electric, but felt the current upper age limit, coupled with the cost of more eco-friendly vehicles made it cost prohibitive and there would be no return on their investment if they purchased, for example, an electric vehicle for it to cease being licensed once it reached ten years of age.

A meeting was also held with officers from the Council's Transport Services, to seek views from those that test the current fleet of licensed vehicles.

Whilst officers from fleet services could see the merit in increasing the upper age limit slightly in certain circumstances, they did not support an increase to 15 years. The officers felt that it could be reasonable to increase the upper age limit to 12 years with certain conditions on that increase, such as between the age of 10 and 12, the vehicle must pass its compliance test first time, and / or the vehicle is subject to a compliance test two times per year.

Officers from fleet services were concerned regardless of the type of vehicle electric, hybrid, petrol / diesel all still have mechanical similarities such as steering, suspension and braking mechanisms etc. that can fail and that are still subject to the same wear and tear as their petrol / diesel counterparts. They also highlighted that significant mileage was undertaken by licensed private hire and hackney carriage vehicles and this wear and tear was significantly increased, irrespective of whether it was an electric, hybrid or petrol / diesel vehicle.

Licensing Officers had contacted the other West Yorkshire Authorities (including York), as well as authorities outside of West Yorkshire and found that the Council's current vehicle age policy of 10 years was in line with other nearby authorities.

It was moved and seconded that the upper age limit for licensed vehicles be increased to 12 years for ultra-low emission vehicles and wheelchair accessible vehicles, with the caveats outlined within the report's recommendations.

RESOLVED - The Committee approved that:-

1. The upper age limit for licensed vehicles be increased to 12 years for the following:-

- 1.1. Ultra-low emission vehicles; and

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- 1.2. wheelchair accessible vehicles
2. The aforementioned upper age extension for ultra-low emission and wheelchair accessible vehicles was not automatic and each case would be dealt with on its own individual merits, taking in to consideration, but not limited to, the following:-
 - 2.1. Submission of a formal application (including fee);
 - 2.2. If extension was granted, the vehicle would be subject to two compliance tests per licence year;
 - 2.3. The vehicle had to have a full service history;
 - 2.4. Receipts of work / repairs undertaken on the vehicle;
 - 2.5. The vehicle / drivers history with the Licensing Service, including:-
 - 2.5.1. If the vehicle had failed any previous compliance test;
 - 2.5.2. Complaints about the condition of the vehicle;
 - 2.5.3. Complaints about the proprietor / driver of the vehicle; or
 - 2.5.4. Any other matters considered material to the application.
3. Delegation be authorised to the Group Leader of Licensing, in conjunction with their immediate Operational Manager, to determine the definition of a wheelchair accessible vehicle for stipulation within the Policy.