

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Thursday 17th December 2020

Present: Councillor Amanda Pinnock (Chair)
Councillor Karen Allison
Councillor Paola Antonia Davies
Councillor James Homewood
Councillor Christine Iredale
Councillor Terry Lyons
Councillor Mohan Sokhal
Councillor Michael Watson

In attendance: Russell Williams, Public Protection Group Leader

Apologies: Councillor Carole Pattison
Councillor David Hall
Councillor Michelle Grainger-Mead
Councillor Kath Taylor
Councillor Cathy Scott

1 Membership of the Committee

Apologies were received from the following members: Cllr David Hall, Cllr Kath Taylor, Cllr Cathy Scott, Cllr Carol Pattison and Cllr Michelle Grainger-Mead.

2 Minutes of Previous Meeting

That the minutes of the meeting held on the 6 January 2020, be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Questions by members of the Public (Written Questions)

That a formal response be provided for the written question received.

7 Hackney Carriage Unmet Demand Survey 2020

The Committee considered a report which outlined the results of the unmet demand survey, in relation to hackney carriage licences which is carried out every three years. The last survey was carried out in July 2017 where the Committee resolved that there should be no increase in the number of hackney carriages. In line with the best practice guidance from the Department of Transport, this survey has been conducted again by Ian Millership from Licensed Vehicle Surveys and Assessment ('LVSA'). Mr Millership carried out the previous study in 2017, which provides a level of consistency in how the study is conducted.

Mr Millership advised the Committee that the aim is to identify any significant unmet demand and provide the Committee with evidence of the current position regarding unmet demand and its significance in this point in time. All the evidence was collected before the impact of the pandemic apart from key stakeholder consultation which was not practicable.

- The survey was undertaken between January to mid-March 2020
- Rank observations mid-March 2020
- On street interviews very early March 2020
- All driver surveys mid-March to mid-May 2020
- Key stakeholders consulted but no response

Hackney carriage vehicles can be taken from a rank, hailed, or booked and have more regulations. It is only hackney carriage vehicle licences that can be limited.

The term unmet demand is defined as when someone arrives at a rank and there is no hackney carriage that could be available for immediate hire. Significant unmet demand is when unmet demand is at a level whereby its can only be achieved by adding extra hackney carriage vehicles.

At the time the rank work was undertaken there were 222 hackney carriages in Kirklees. Private hire vehicle numbers are increasing, and drivers (all dual) have been growing strongly since 2009. The survey highlighted that people with a disability receive a good service and there are enough vehicles that are able to respond to disabled service users.

The committee was informed that industry standard tools were used to check what the level of significance of unmet demand observed was and the overall value came out at 0.88. The level of significance is 80.

Mr Millerson advised the committee that the key conclusions are:

- There appears to be an overall general increase in usage of hackney carriage vehicles at many of the sites
- An estimated 6% of all rail passengers arriving at Huddersfield Train Station left in a hackney carriage vehicle from the rank
- The limit policy is providing public benefit across the whole area
- There is no significant unmet demand for hackney carriages in the area. This means that there is no problem in retaining the limit

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- There is no need for any further plates, 222 was more than enough at the time the survey was conducted

The committee raised a number of questions and concerns as follows:

- Taxi drivers working for a straight 24-hour period raises significant safety concerns for the travelling public. Any incidents of this should be brought immediately to the attention of the Licensing Authority.
- Concerns raised around the actual number of licences for hackney carriage vehicles. In response, the Committee was advised that currently the number is 235, however at the time of the survey there were 222. The records were closely examined, and it showed that there are 224 licensed hackney carriages and as indicated by Mr Millerson this is currently meeting the local demand. Officers are therefore recommending that the number of vehicles is set at 224.
- Referring to the report, the Committee highlighted that the limiting of hackney carriage numbers has been a particular concern as it is often considered to be a restrictive practice and most local licensing authorities do not impose quantity restrictions as this is considered best practice. Kirklees however has restricted numbers since 1974 and there is no explanation why this limit is in place when it is not considered to be good practice.
- What consideration has been given to electric vehicles, in order to meet the council's climate change agenda. The Committee was advised that further work needs to be done on this and a report brought back to a future committee meeting

In response to the information presented the Committee was asked to consider three options:

- a) continue to limit the number of hackney carriage vehicle licences,
- b) release a set number of licences (possibly as Wheelchair Accessible Vehicles or Electric Vehicles),
- c) lifting quantity restrictions altogether

The Committee voted as follows

5 members in favour of the officer recommendations
1 in favour of lifting restrictions all together
1 abstention

RESOLVED

- a) That the report and study by LVSA be noted
- b) That in line with officer recommendations the number of hackney carriage licences be limited to 224

8 Licensing Service - Update Report

The Committee received an update on the activities undertaken by the Council's Licensing Service from 1st April 2020 to 30th September 2020.

The overriding aim of the licensing service, when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and this is embedded in all activities of the department. This is in terms of policies, procedures, and enforcement.

Hackney carriage and private hire - the pandemic started towards the end of March 2020, and the council moved into its business continuity plans and the service had to respond and adapt very quickly in line with those plans. Within a short timescale the counters were closed, processes were changed, the website was updated, and instructions sent to all private hire and hackney carriage drivers on how they could submit their applications electronically. This has allowed the service to maintain the issuing of licences for existing drivers during these difficult times.

The department was able to contact approximately 200 licences holders who had appointments booked, they were offered one to one advice and guidance on how to submit their applications electronically as some of the trade are not IT literate. Despite some initial teething problems, the trade has adapted well and moving to electronic submission of applications has gone very well.

The service has continued to operate close to business as usual as possible, the service has been able to

- Continue to process and issues renewals of driver, vehicle and operators' licences,
- Continue to carry out checks with the disclosure and barring service on licence holders,
- Work with colleagues in fleet services to ensure vehicles can still be tested to ensure they are safe to carry passengers,
- Communicate changes via the licensing webpages and newsletters
- Investigate complaints
- Carry out enforcement

Inevitably, given the significant restrictions in place, the service has had to make some changes, for example, ceasing application for new driver and vehicle licences. Due to the NHS not being able to offer driver medicals, the Council has not been able to undertake driver training, and having to reduce unnecessary contact, the service was no longer in a position to accept applications for new licences.

For vehicle licences however, exceptions were made for replacement vehicles where accidents had occurred. IT limitations means that the service was not able to produce vehicle identification plates or driver badges. Instead, drivers have been asked to keep their existing plates and badges and an electronic version of a licence and covering letter to produce on request.

Licensing Act 2003 – As evidenced by the national news the hospitality industry has been hit particularly hard during these times with pubs having to close completely or only offering only takeaway service or click and collect. There are approximately

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1600 licensed premises in Kirklees, including pubs, clubs, and takeaways. There was a hope that in July the restrictions would be lifted, and people would start revisiting these premises, however it has been very difficult for the pubs to operate with the restrictions and guidelines in place.

Officers from Public Protection have worked tirelessly to keep businesses up to date on the changes to regulations and in support of that, have hosted webinars, issued regular guidance letters, visited premises, and circulated beer mats with key message on.

RESOLVED

That the Licensing Service update report be noted.

9 Trade Engagement - Terms of Reference

Mr Williams advised that the purpose of this agenda item is to seek the Committees approval on future arrangements for engaging with the private hire and hackney carriage trades and placing meetings with the respective trade groups on a more formal and structured basis.

The Committee was informed that there have always been meetings with the trade chaired by the Chair of the Licensing and Safety Committee and those meetings have tended to be on an ad hoc basis. The aim is to formalise these and put a formal process in place. During this current time it has not been possible to hold any trade meetings and there are items on the committee agenda that needs to be discussed with the trade going forward. There needs to be a process to be able to get the trade involved.

As part of recommencing the trade meetings, two sets of terms of reference have been developed. One for the hackney carriage working groups and one for the private hire working groups. Historically, both groups have met together, however the new process recognises that the issues affecting the hackney carriage trade are not necessarily the same as those affecting private hire, hence the reason for separate meetings and terms of reference.

The meeting will involve the hackney carriage associations and private hire associations and operators. The ability to do virtual meetings will enable this to be expanded to drivers if possible. The intention is to hold the meetings on a quarterly basis and will be subject to a pre-set agenda including items from the trade.

The proposed terms of reference state the meetings will have no Member involvement. This does not mean Members will not be able to attend the meetings, it means if they do, it will be in a supportive role rather than as Chair. Adopting this approach will ensure there is a level of separation between the decision-making body (the Committee), and any policy issues and suggested changes that are raised at the meetings.

All Committee members voted in favour.

RESOLVED

That the Committee:

- a) Notes the report, and
- b) Approves the proposed terms of reference

10 Department for Transport - Statutory Guidance

On 21 July 2020 the Department for Transport ('DfT') published its "Statutory Taxi and Private Hire Vehicle Standards. The publication of these standards has been long awaited and follows an extensive period of consultation by the Department for Transport following a number of high-profile incidents and issues highlighting the risk to members of the public and to drivers.

The standards reflect the significant changes within the industry in recent years, and lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation (CSAE).

The Policing and Crime Act 2017 made provisions for the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions, to protect children and vulnerable individuals who are over 18 from harm when using these services.

The Committee was advised that although the focus of the standards, is on protecting children and vulnerable adults, it is expected that any passengers of these licensed vehicles will benefit from the recommendations. The aim is to better regulate the taxi and private hire vehicle sector as a whole. It is felt that these issues are, in part, a result of the significant differences in standards applied to the licensing of drivers and vehicles across the country.

The Standards cover a wide range of issues, including driver, vehicle, and operator standards. The main areas of the statutory standards cover some of the following areas:

- Licensing Policies - Authorities should produce a 'cohesive policy document' that brings all policy and procedures together. The Committee formally adopted the council's private hire and hackney carriage policy last year. The DfT recommends that the policy is reviewed every 5 years. In light of the guidance, members will be asked to approve that the policy be reviewed
- Duration of licences – this is reminding authorities that the default period for a licence is 3 years. Kirklees has issued one-year licences and will continue to issue one-year licences however the intention is to change that in line with online applications. Work is underway to move the electronic offering which is in place under Covid to a more formal online solution with online applications with a move to three-year licences for drivers

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- Whistleblowing - where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required
- Criminal records checks - Licensing Authorities should insist on licensed drivers signing up to the Disclosure and Barring Service's (DBS) Online Update Service. This allows the Licensing Authority to make checks at any time and at least every six months
- Safeguarding awareness training – Licensing authorities should provide safeguarding advice and guidance and require that hackney carriage and private hire drivers undertake safeguarding training.

RESOLVED

That the Committee:

- a) Notes the report and the standards (found at appendix 1 of the appended report)
- b) Request that officers commence a review of its policies in relation to hackney carriage and private hire licensing,
- c) Present the result of that review to members of the Licensing and Safety Committee in June 2021