

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 4th August 2021

Present: Councillor Amanda Pinnock (Chair)
Councillor Mahmood Akhtar
Councillor Adam Gregg
Councillor Andrew Marchington
Councillor Carole Pattison

In attendance: Fiona Goldsmith, Public Protection Group Leader
Martin Wood, Acting Head of Public Protection

Apologies: Councillor James Homewood
Councillor Mumtaz Hussain
Councillor Mohan Sokhal
Councillor David Hall
Councillor Kath Taylor
Councillor Michael Watson
Councillor Paola Antonia Davies
Councillor Karen Allison
Councillor Terry Lyons

1 Membership of the Committee

Apologies were received from the following members: Cllrs Watson, Taylor, Hall, Allison, Davies, Sokhal, Lyons, Hussain and Homewood.

No subs were in attendance.

2 Minutes of Previous Meeting

That the minutes of the Committee meetings held on the 17 December 2020 and the 19 May 2021 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 Public Question Time

No public questions were asked.

7 Department of Transport - Statutory Taxi and Private Hire Vehicle Standards

Fiona Goldsmith, Public Protection Group Leader, presented a report seeking approval to consult on the review of the Kirklees Hackney Carriage and Private Hire Policy in light of the new Statutory Taxi and Private Hire Vehicle Standards.

At the Committee meeting on the 17th December, the Committee was advised that the Department for Transport (DfT) had published the guidance 'Statutory Taxi and Private Hire Vehicle Standards' and it was agreed that the current hackney carriage and private hire policy be reviewed in accordance with the guidance.

The DfT produces statutory standards which set out a wide range of robust measures to protect taxis and private hire vehicle passengers particularly those who are most vulnerable. The standards cover, driver and vehicle and operator standards.

The Government advises that licensing authorities must work together to ensure that the taxi and private hire vehicle services used by the public are safe and suitable. As a result of the standards, a review of existing policies in relation to the hackney carriage and private hire trades has been undertaken.

The Committee's attention was drawn to appendix one of the appended report which showed a table summarising the changes made to the existing policy and highlighting where the existing policy is already compliant with the guidance that has been issued.

The Committee was advised that in addition to the proposed changes shown at appendix 1 and 2 of the appended report, there are a number of other specific areas that will need further consideration, if the Committee is in agreement for the Licensing Department to go out to consultation on the proposed changes to the policy.

- 1) In vehicle visual and audio recording (CCTV) – currently there is no policy in place that covers CCTV in vehicles, however this has been on the agenda for the work being undertaken by the licensing managers from each of the West Yorkshire Licensing Authorities including York. These authorities have been working to align policies to establish minimum standards in certain areas of the taxi licensing regime. The guidance suggests that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and considering potential privacy issues.
- 2) Stretched Limousines - although the Council accepts and issue licences for these types of vehicles, at this time there is no specific policy in relation to stretched limousines. It is the Department's view that it is not a legitimate

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course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire regime and the safety benefits this provides. This will relate solely to those vehicles which operate less than eight passengers.

- 3) Decision making - currently the decision making in relation to the grant, refusal, suspension or revocation of hackney carriage and private hire licensing is delegated to the Group Leader for licensing. The guidance suggests that individual cases be considered by a panel of elected and suitably trained councillors. As this is a deviation from the current policy, it was felt that this needed to be considered as a separate entity or more detailed within the consultation.

The Committee was advised that in addition to the statutory guidance, there has also been a request via the new private hire and hackney carriage liaison meetings, that the Council review the current policy in relation to the upper age limit of licensed vehicles.

Although this is not within the DfT guidance, as it will result in a policy change, it is proposed to include this review in the consultation and seek approval from the Committee to either go out to consult now with regard to that or whether the Committee would prefer the Licensing Department look at a more sustainable vehicle policy with regard to air quality.

The Committee was asked to consider the following options:

- 1) Instruct officers to commence a three-month consultation period in relation to the hackney and private hire licensing policy following regard of the guidance issued by the Department for Transport, and the request to review the upper age limit; or
- 2) Instruct officers commence a three-month consultation in relation to the proposed changes to the hackney and private hire licensing policy following regard to the guidance issued by the Department for Transport and note the request from the trade and instruct officers to consider this matter as a wider piece of work in relation to vehicle ages limits and vehicle specifications in light of climate change

In response to the information presented the Committee asked for further information with regard to the wider piece in relation to vehicle ages limits and vehicle specifications in light of climate change. In response, the Committee was advised that climate change is a high-profile issue at the moment and while there are some specifications within the current policy with regard to air quality a detailed look at vehicle specification and the effect the taxi trade may be having on air quality has not been undertaken. This work could include consultation, a feasibility for the taxi trade and introduce them to a greener way of operating such as electric vehicles.

RESOLVED

The committee resolved that

- a) the report be noted
- b) officers commence a three-month consultation exercise in relation to the proposed changes to the Hackney Carriage and Private Hire Licensing Policy with regard to the guidance issued by the Department for Transport; and
- c) officers consider the trade request in relation to the age limits of vehicles as a wider piece of work in relation to vehicle age limits and vehicle specifications in light of climate change.
- d) the results of the consultation be presented to a future meeting of the Licensing and Safety Committee

8 Licensing Service Standards

The Committee was presented with a report, for information, which outlined proposed service standards in relation to the processing of private hire and hackney carriage applications.

The Committee was advised that the Licensing Department processes applications and enforce against a wide range of range of areas, including:

- Taxi and Private Hire Licensing
- Licensing Act – Premises licenses, club premises certificates, personal licences, Temporary Event Notices
- Gambling Act
- Street trading, street activities, pavement licensing, A-boards, house to house and street collections, car boots and distribution of free printed matter
- Scrap Metal,
- Sexual Entertainment Venues and Sex Establishments,

The majority of the general licensing areas are governed by strict statutory timescales within which applications must be processed. Hackney and Private hire licensing do not have those same statutory timescales.

Within the regulatory framework governing the private hire and hackney carriage trades, there are three types of licences:

- Driver licenses (in Kirklees all drivers have dual badge driving license)
- Vehicle licenses (Hackney Carriage and Private Hire)
- Private hire operator licenses

Kirklees currently licences:

Drivers	2835
Vehicles	2215

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Operators	128
Total	5178

The Committee was informed that between April 2020 and March 2021, the service processed 4,114 hackney carriage and private hire applications. These figures do not include applications for new drivers which, pre-pandemic, averaged 278 per financial year over the previous 5 years. The service had to cease accepting applications for new drivers due the restrictions on the training they are required to do. The training providers have been unable to offer the training for them to progress an application.

Following the Government's roadmap out of lockdown the service has seen applications for other licence types increase, and it is anticipated once all restrictions are lifted, levels of applications will be close to or exceeding, pre-pandemic levels. Pre-pandemic the service received on average 9,234 applications per financial year over the previous 5 years.

It has been reported to members previously that the pandemic has seen the service move away from accepting applications face-to-face to accepting them via email. As the restrictions cease, the service will need to transition to a new working model, amending processes and procedures to ensure a more streamlined application process, with open and transparent standards.

Moving to a new way of working is more important than ever because the service has seen an increase in the number of complaints from both licence holders and Elected Members, in relation to the time it is taking applications to be processed.

In response to these complaints, the Group Leader for Licensing has conducted a review of how applications are processed and has implemented changes that will see applications processed in a timelier manner. This should provide clarity not only to licence holders but elected members and the public, The Group Leader for Licensing is proposing to implement a set of service standards, that will inform licence holders, elected members, and the public of the expected timescales within which applications should be processed.

The Committee was informed that while the service accepts the way in which it has been processing applications was causing delays, some of the delays can also be attributed to the applicants themselves. Despite issuing guidance, and a number of reminders, applicants continue to submit applications late, submit incomplete applications or send multiple documents on individual emails, not necessarily at the same time.

Given the number of applications being received which is anticipated to increase, operating in this way cannot be sustained without impacting on the proposed service standards. Incomplete applications will therefore have to be returned to the applicant with specific information as to why it has been returned, and what steps are required to be completed before it can be accepted, and that a completed application needs to be re-submitted with all required documents in one email. In addition, further communication will be sent to licence holders reminding them of the timescales in which they should submit their applications, and that the service

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cannot guarantee a renewal will be processed before a previous licence expires if applications are submitted late.

The Committee was further informed that another reason for delays relates to the processing of DBS checks by the DBS service. The timescales within which these are processed largely out of the services control. The service is working with the Council's approved supplier for DBS checks to streamline the process and make it easier for drivers to register for the DBS online update service which, over time, will significantly improve the time it takes to conduct a DBS check.

The Licensing Department is also looking at improving the current procedure for issuing vehicle identification plates, company door signs and driver badges.

RESOLVED

The Committee resolved that the proposed service standards be approved.