

Name of meeting: Licensing and Safety Committee

Date: Wednesday 6th July 2022

Title of report: Delegated Officer Decisions (Licensing)

Purpose of report: The purpose of the report is to provide Members with an update on making decision made under the current fitness and suitability policy public

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	no
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision –No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Colin Parr – 27.06.22
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 24.06.22
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 24.06.22
Cabinet member portfolio	Councillor Will Simpson

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

There is no personally identifiable information contained within this report

1. Summary

1.1 This report is to provide members of the Licensing and Safety Committee with an update on a request by Members, at the March 2022 Committee meeting, that officer look at how information on decisions made under the Council's current fitness and suitability policy can be placed in the public domain.

2. Information required to take a decision

2.1 The West Yorkshire (Inc. York) harmonisation project was initially set up following a meeting of the Council Leaders within West Yorkshire (Inc. York). It was recognised by the Leaders that there were issues that spanned over local authority borders. A task was set to the Chairs of each of the authority's licensing committee and to the licensing services to harmonise our policies to improve the safety of the travelling public.

2.2 The project is also a way to ensure that the travelling public can be confident that drivers licensed by each authority have been through a consistent approach when applying for a licence.

2.3 The aim of the project, which is still ongoing, is to align several of our policies to ensure that when someone applies for a licence in any of the local authorities within West Yorkshire (Inc. York) that they would have to carry out training and testing to the same level and requirement, that their suitability to hold a licence would be assessed to the same level at each authority and that the standard of enforcement would be mirrored throughout the authorities.

2.4 In April 2018, the Institute of Licensing (IOL) published guidance on assessing the suitability of individuals to hold a hackney carriage or private hire drivers' licence. The guidance covered the issue of individuals who have criminal convictions or whose behaviour presents a risk to passenger safety.

2.5 West Yorkshire and York licensing managers considered the IOL guidance and developed a common policy in accordance with the guidance to provide consistency. This went through a full consultation process in Kirklees and was then adopted by Members of the Licensing and Safety Committee in June 2019, with an implementation date of August 2019.

2.6 The standards in the IOL guidance formed part of the Department for Transport (DfT) statutory guidance published in July 2020. Therefore, our current suitability policy meets the minimum standards as set out in the DfT guidance.

2.7 At the Licensing and Safety Committee held on 2nd March 2022 members were presented, in a private session, details in relation to the decisions that have been taken since the adoption of the fitness and suitability policy.

2.8 At the last meeting, following disclosure of the decisions that have been taken since the adoption of the suitability policy, the views of members were that officers are making the correct decisions following the committees' policies and members thanked officers for the excellent work being undertaken.

2.9 At that meeting Members requested officers bring back a report that could be made public in relation detailing the decision made under the policy. This would enable the public to see what decisions were being made, why they were being made and how the public were being protected.

2.10 As a result of the request from Members officers have been working with colleagues in Information Governance on how this information can be presented without breaching the Council's duties under GDPR. This is proving to be more challenging than first anticipated, and it has not been possible for this meeting to find a format that achieves the wishes of the Committee while maintaining the Council's duties under GDPR.

2.11 Officers are continuing to work with colleagues in Information Governance and will present further information at the next meeting of the Committee.

2.12 However, while the work on releasing more substantive information is ongoing, we can present the number of decisions made and what those decisions were. Since January 2020 to 1st June 2022 there have been 69 decisions taken under delegated authority by the Group Leader for Licensing.

Type of Decision	Number
Warnings	14
Suspensions	9
Revocations	31
Refusals	9
Grants	2
No further action	1
Suspensions lifted	3

3. Implications for the Council

3.1 Working with People

One of the key priorities for the licensing service is to ensure the safety of the public.

3.2 Working with Partners

In developing policies and procedures, the licensing service works with a number of partners, including, Kirklees Safeguarding Children's Board, West Yorkshire Police, Environmental Health, The Community Safety Partnership, West Yorkshire Joint Services, the other West Yorkshire Authorities (including York) and many other partners.

3.3 Place Based Working

There is no impact in the context of this report

3.4 Climate Change and Air Quality

There are no climate change implications in this report

3.5 Improving outcomes for children

The Council wants to ensure that children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children in licensed vehicles, and more specifically, for the purposes of home to school transport.

3.6 Financial Implications of people living or working in Kirklees

There are no financial implications for people living or working in Kirklees contained in this report.

3.7 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

No Legal/Financial or Human Resources implications.

4 Next steps and timelines

4.1 Not applicable – Information Report only

5 Officer recommendations and reasons

5.1 Members are asked to note the report

6 Cabinet Portfolio Holder's recommendations

6.1 Not applicable

7 Contact officer

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8 Background Papers and History of Decisions

8.1 Not applicable

9 Service Director responsible

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