

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 2nd March 2022

Present: Councillor Amanda Pinnock (Chair)
Councillor James Homewood
Councillor Mohan Sokhal
Councillor Adam Gregg
Councillor Michael Watson
Councillor Paola Antonia Davies
Councillor Andrew Marchington
Councillor Karen Allison
Councillor Carole Pattison

In attendance: Russell Williams, Operational Manager, Public Protection
Fiona Goldsmith, Public Protection Group Leader
Martin Wood, Acting Head of Public Protection

Observers: Cllr Habiban Zaman
Cllr Fazila Loonat

Apologies: Councillor David Hall
Councillor Kath Taylor
Councillor Terry Lyons

11 Membership of the Committee

No substitute members were in attendance.

12 Minutes of Previous Meeting

That the minutes of the meeting held on the 4 August 2021, be approved as a correct record.

13 Interests

No interests were declared.

14 Admission of the Public

To determine that the public be excluded from consideration of agenda item 11.

15 Deputations/Petitions

The Committee received the following deputations:

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- a) Mr Akooji Badat representing Hackney Carriage and Private Hire vehicles in respect of the Suitability and Convictions policy; and
- b) Mr Hasan Badat community representative in respect of the Suitability and Convictions policy

RESOLVED

That in response to the deputations received a written response would be provided by the Chair of the Committee.

16 Public Question Time RESOLVED

That written responses would be provided to the public questions that were asked during the meeting.

17 Licensing Service - Update Report

The Committee considered a report which provided an update on the activities undertaken by the Licensing Department to discharge the Council's licensing functions from 1st April 2021.

The Committee was advised that since the introduction of the Service Standards, the department has been working hard to ensure the guidelines set out in the standards are achieved. Monitoring the standards commenced in October 2021 and members will note from the appended report the following:

- between October to December, the department was working to 97% in target for driver applications
- 76% in target for vehicle applications
- 100% in target for operator applications

The Committee was informed that at that time, the service was adapting to the new standards following changes to process in order to streamline the way in which work was undertaken. Staff within the department also worked to ensure that over the Christmas period, all the drivers, vehicles and operators that were due to expire up to and during the Christmas period had been dealt with allowing the staff team to take a well-deserved break. This ensured that no member of the taxi trade was left without a licence during that period and no report was received to say that any driver was out of work during the Christmas period.

Between January and February 2022, Committee members will note from the appended report the following:

- 98% of driver applications within the targets
- 97% for vehicle applications
- 100% for operator licence applications

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Fiona Goldsmith, Group Leader, Licensing informed the Committee that the team are to be commended for the way they have managed to change and adapt in order to ensure that the targets are being met.

The Committee was informed that in relation to the Department for Transport (DfT) consultation, the consultation has been extended to the 30th March 2022, in order to maximise the opportunity for more people to respond to the survey. To date 359 responses have been received and since January a further 135 responses have been received.

The online DBS update service has gone live, and a full step-by-step guide and details have been sent out to all licensees regarding the new process. The move to the online update service will be a positive move for both the service and the drivers and it should alleviate any needless delays in the processing of renewal applications.

In relation to application numbers, the Committee was informed that there has been a reduction in numbers coming through the service in the last two years, partly due to the pandemic as the service ceased to accept applications for new drivers during that period. The application process has resumed, and the department is helping to guide new applicants through the process and there is a steady increase in numbers once again.

Information provided with regard to vehicle testing data, the Committee will be provided with comparison data going forward and the reports will align to become more comparison based. In addition, a review of the vehicle policy will commence shortly, which will be presented to Committee following engagement with the trade and other stakeholders.

The Committee was informed that in relation to the Licensing Act 2003, during the pandemic the hospitality business were faced with the most restrictions and as a result there was a decline in the number of applications coming through the service. However, there has been an increase in numbers under the Licensing Act and since the 1st January 2022, fifteen new premises licences applications have been received and fifty five Temporary Event Notices.

The Licensing Department is currently working with partners on the 'Ask for Angela' campaign, which is a positive way for the Council and its partners to promote public safety and prevent sexual violence and vulnerability for those who want to use the hospitality that the borough has to offer.

In the last 12 months, a new licensing liaison meeting has been introduced, which includes officers and partners to work together. The aim of the group is to problem solve and collaboratively work within the authority to ensure that issues are being highlight and dealt with in the most effective and efficient way.

Staffing with the service has seen a number of staff leave to progress their careers with the majority staying within the authority. New staff have been appointed within the team and the aim is to be up to full strength within the next few months.

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In response to the information presented the Committee asked a number of questions including the following:

- The consultation on the statutory standards closes on the 30th March, is there a potential meeting date in mind to come back to Committee?
- Is there any way to improve the system and make it less onerous for taxi drivers who have travelled abroad, maybe for family reasons and get delayed and cannot return in time to renew their licence?
- The consultation has been extended on two occasions to maximise the opportunity for more people to respond to the survey, which suggests that there hasn't been much of a response, what is the reason for continually extending it?

RESOLVED

That the Licensing Service update report be noted by the Committee.

18 **New HM Revenue and Customs (HMRC) - Requirements for Taxi, Private Hire and Scrap Metal licence holders**

The Committee was informed that from the 4th April 2022, HMRC has put in a new legal requirement for all existing licensed drivers, licence operators and scrap metal license holders must complete a HMRC tax check upon renewal. In addition, all new applicants are to be made aware of their tax responsibilities when submitting an application to the department.

This is a national requirement, and the license authority did not have any input into this and therefore cannot grant or refuse any application without being in receipt of the tax check upon renewal.

Licence holders will need to have or register for a 'Government Gateway' account and once registered, the licence holder will need to answer a short questionnaire on how they pay any tax that may be due and will be issued with a code. When they submit their licence renewal application to licensing, they will need to provide the service with the code.

Communications have gone out to the affected licence holders and the websites have been updated with all the relevant information.

The Committee questioned the timescale for this as it is approaching the end of the financial year. The Committee further commented that timely communications is important and may need to go out on more than one occasion to ensure that license holders are fully aware and can fully comply with HMRC stipulations.

RESOLVED

That the New HM Revenue and Customs (HMRC) - Requirements for Taxi, Private Hire and Scrap Metal licence holders report be noted by the Committee.

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19 **Delegated Officer Decisions (Licensing)**

The Committee was advised that the information being presented was a positive report which outlines the decision taken by officers with regard to the enforcement activities that have taken place within the licensing service.

Committee members stated that the information shows the excellent work being undertaken by officers in applying the policies and principals given to them by the Licensing and Safety Committee and this work should be promoted. The report evidences, and explains the work carried out by officers and there should be some way of ensuring that this is in the public domain. Committee members further commented that there has been some excellent work which provides an understanding of how the criteria has been applied.

There was general consensus that it was important that the public are made aware of the actions being taken to safeguard them and asked officers to consider how the information to be considered under exclusion of the public could be appropriately presented in public session. In response officers gave a commitment to work with Information Governance on how this could be achieved.

RESOLVED

That:

- a) the Delegated Officer Decision report be noted by the Committee

20 **Exclusion of the public**

RESOLVED

That the public be excluded from consideration of agenda item 11.

21 **Delegated Officer Decisions (Licensing)**

The Committee assured officers that the Fitness and Suitability Policy was being applied, completely in-line with what the Committee had directed.

RESOLVED

That

- a) the information presented to Committee be noted
- b) that officers be thanked for the excellent work being undertaken discharging the Committees' policies