

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 19th July 2023

Present: Councillor Amanda Pinnock (Chair)
Councillor Zarina Amin
Councillor Ammar Anwar
Councillor Aafaq Butt
Councillor Moses Crook
Councillor Jo Lawson
Councillor Mohan Sokhal
Councillor Adam Zaman
Councillor Timothy Bamford
Councillor Adam Gregg
Councillor Donna Bellamy
Councillor Andrew Marchington
Councillor Karen Allison

In attendance: Fiona Goldsmith, Public Protection Group Leader
Russell Williams, Operational Manager, Public Protection
Martin Wood, Head of Public Protection
Tahir Lanif, Legal Advisor to the Committee

Apologies: Councillor Carole Pattison

1 Membership of the Committee

Apologies were received on behalf of Councillor C Pattison.

2 Minutes of Previous Meeting

RESOLVED – That the minutes of the meeting held on 1 February 2023 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 questions were asked.

7 Licensing Services Update Report

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The Committee received a report which provided the Committee with an update on the activities undertaken by the Council's Licensing Service from 1 October 2022 to March 2023.

Fiona Goldsmith, Public Protection Group Leader, advised the Committee that the overriding aim of the licensing service, when carrying out its functions relating to the licensing of hackney carriage and private hire drivers, vehicle proprietors and operators, was the safety of the travelling public and others who used hackney carriage and private hire services.

The number of hackney carriage and private hire licenses in force as of 24 May 2023 was 5,322 and the number of applications processed by the service in the reporting period was 2,032.

Vehicle testing between October 2022 and March 2022, had been carried out between George Street testing station and Vine Street testing station. The Committee noted that service standards were introduced in August 2021 with the monitoring of those standards commencing in October 2021.

Further to a request by the Committee on 2 March 2022, the report contained details of the 16 decisions that had been taken by the Group Leader in the reporting period following the adoption of the Fitness and Suitability Policy in August 2019.

Ms Goldsmith informed the Committee that due to the demand for home to school transport drivers increasing, the licensing service was working with school transport on the creation of a new licence to be issued for new driver and new vehicle applicants in which the applicant would gain a licence specifically to undertake school contract jobs but that such a licence would restrict them from being able to complete the usual private hire advanced bookings. Ms Goldsmith advised the Committee that further details would be presented to Members at a later meeting.

The information being presented, outlined the decisions and licensing activities that had taken place between 1 October 2022 and 31 March 2023. The Committee was presented with the following:

- That the Licensing Panel had heard six applications within the reporting period, with a total of 2,854 applications being received by the service.
- In the previous 6-month period, between 1 April 2022 and 30 September 2022, the service received a total of 2,906 applications.
- the licensing team and the police licensing officers based within the service worked closely with Trading Standards. Visits to premises were conducted when intelligence had been gathered by Trading Standards to suggest there was the sale of illicit tobacco at a premises. Whilst not every premises visited was licensed, it was important that members were aware that trading standards worked in partnership with the service and enforcement action was taken.

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- In December 2022, four premises in South Kirklees were visited and in January 2023, four premises in both North and South Kirklees were visited.
- Licensing Officers undertook proactive enforcement activities outside normal working hours which varied from licensed vehicle checks, licensed operator-based checks, licensed driver checks, premises licence compliance checks and gambling premises compliance checks.
- Officers carried out 16 out of hours proactive enforcement duties, as part of the service role to keep the public safe.
- During the reporting period, licensing officers had worked with the police and Driver and Vehicle Standards Agency on three occasions on joint operations regarding safer roads conducting vehicle checks on vehicles, specifically licensed vehicles, for the licensing officers.
- on the three joint operations a total of 52 vehicles were checked and of those, 29 were found to have no defects.

RESOLVED – That the Licensing Services update report be noted.

8 **Geographical Knowledge Test Report**

The Committee considered a report on the requirement for all new hackney carriage and private hire driver applicants to complete and pass a geographical knowledge test and whether this requirement should be removed.

The Driver Training Policy, which was adopted in August 2019 and was appended to the considered report, did not come into effect until August 2021 with test bookings commencing in September 2021. Members of the Committee had previously resolved agree to make permanent the temporary change in policy that if an applicant produced evidence that they had undertaken a qualification at Entry 3 level or above in the UK, then they would be permitted to pass to the next stage of the theory and knowledge training and test.

The report advised that in order to pre-empt the new statutory taxi and private hire best practice guidance and to continue to strive to offer the best service to applicants it was proposed that the requirement for the geographical knowledge test for all new driver applicants be removed.

The Committee noted however, that it would remain an option to require any licensed driver to undertake a geographical knowledge test where multiple complaints of a similar nature indicated there may be issues with a driver's knowledge of the local area.

RESOLVED – That the requirement to undertake and pass the local geographical knowledge test for new licensed driver applicants be removed.

9 **Vehicle Policy Review Report**

The Committee considered a report which sought approval to consult on the review of the hackney carriage and private hire vehicle policy. The current vehicle

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specification was appended to the considered report and had not been reviewed since July 2008.

The report informed the Committee that a review had been undertaken which took consideration of matters raised by the hackney carriage and private hire trade relating to (i) vehicle age limits (ii) window tints (iii) door signs and (iv) vehicle testing. The issue of the cost of a licence was calculated in accordance with the cost of administration of applications and ongoing compliance of the licence and would be addressed separately during the review of all the hackney carriage and private hire fees.

The draft vehicle specification policy was attached at Appendix 2 of the considered report, and the Committee was asked to resolve to agree to the commencement of a 12-week consultation on the draft vehicle policy. The Committee was also asked to agree the proposed consultation questions as shown at Appendix 3 of the report.

Following the consultation period, it was proposed that the findings and results would be considered at a future meeting of the Committee.

RESOLVED –

- 1) That the Hackney Carriage and Private Hire Vehicle policy review report and associated appendices be noted.
- 2) That authority be given for officers to commence a 12-week consultation regarding the proposed changes to the existing vehicle specification.
- 3) That a report outlining the results of the consultation be considered at a future meeting of the Licensing and Safety Committee.
- 4) That the proposed consultation questions, as appended to the considered report, be agreed with an additional question proposing no age limit for vehicles.

10 Fitness and Suitability consultation response report

The Committee considered a report which informed Members of the results of the consultation for the proposed changes to the Hackney Carriage and Private Hire Fitness and Suitability Policy.

At the meeting of the Committee on 5 October 2023, Members resolved for officers to carry out a three-month consultation in relation to the proposed changes to the existing policy. The proposed draft policy was contained in Appendix 1 of the considered report, and the results of the consultation were brought for consideration by the Committee.

The Committee was advised that drop-in sessions were offered to the hackney carriage and private hire trade to attend and that the following were consulted upon in relation to the proposed policy: -

- All licence holders
- Public Health
- LADO inc Kirklees Safeguarding Children and Adults Boards
- Safer Kirklees Council

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- All Ward Councillors
- All MP's
- Susie Lamplugh Trust
- National PH and Taxi Association
- All Neighbouring Authorities
- All Unions (GMB, Unison, Unite)
- West Yorkshire Police
- Members of the public via Council comms

The Committee noted that the survey resulted in 333 responses, and a breakdown of the survey questions and responses was found at Appendix 2. GMB union had provided a response to the consultation which was appended to the report at Appendix 4 and a copy of the full survey responses was found at Appendix 5 of the considered report.

The Committee was advised that the council's current fitness and suitability policy met the requirements of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards, as at Appendix 6.

RESOLVED –

- 1) That the proposed draft fitness and suitability policy as at Appendix 1 of the considered report be adopted.
- 2) That authority be delegated to officers to amend the wording contained in section 10 of the proposed fitness and suitability policy to provide clarity between the reporting of civil penalty notices and fixed penalty notices.

11 Cumulative Impact Policy Report

The Committee considered a report on proposals to consult on the need for a Cumulative Impact Assessment in Huddersfield and Dewsbury Town Centres.

The Committee was advised that in April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A which placed cumulative impact assessments on a statutory footing and provided that a licensing authority may, in appropriate circumstances, publish a cumulative impact assessment ('the Assessment').

The report informed the Committee that by publishing an Assessment, a Local Authority set down a strong statement of intent about its approach to considering applications for the grant and variation of premises licences or club premises certificates in a specific area(s). The Council must have regard to the Assessment when determining or revising its Statement of Licensing Policy.

However, the report noted that the Assessment did not change the fundamental way that licensing decisions were made, as each application would still be considered on its own merit. It would still be open for the Council to grant an application where it was considered appropriate and where the applicant could demonstrate that they would not be adding to the cumulative impact.

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The Committee was advised that data collected suggested that there was indicative evidence to suggest that offences with links to alcohol were an issue in both Dewsbury and Huddersfield Town Centres, and that evidence was appended to the considered report at Appendix 1.

Members of the Committee were asked to consider if there was sufficient evidence to consult on proposals to introduce a Cumulative Impact Assessment, and if so, to authorise officers to commence formal consultations with the results being presented to a future meeting of the Committee.

RESOLVED –

- 1) That there is sufficient evidence to consult on proposals to introduce a 'Cumulative Impact Assessment' for both Huddersfield and Dewsbury Town Centres.
- 2) That authority be delegated to officers to commence formal consultation, with the results of the consultation to be presented to a future Licensing and Safety Committee meeting.