

Contact Officer: Nicola Sylvester

## KIRKLEES COUNCIL

### LICENSING AND SAFETY COMMITTEE

**Wednesday 14th February 2024**

Present: Councillor Amanda Pinnock (Chair)  
Councillor Zarina Amin  
Councillor Aafaq Butt  
Councillor Carole Pattison  
Councillor Mohan Sokhal  
Councillor Timothy Bamford  
Councillor Adam Gregg  
Councillor Donna Bellamy  
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 Adam Zaman  
Councillor Andrew Marchington

**1 Membership of the Committee**

Apologies were received on behalf of Councillor A Marchington and Councillor A Zaman.

Councillor P Davies substitutes on behalf of Councillor A Marchington

**2 Minutes of Previous Meeting**

**RESOLVED:** That the minutes of the meeting held on 19<sup>th</sup> July 2023 be approved as a correct record.

**3 Declaration of 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 Hackney Carriage Demand Survey**

The Committee received a report on the outcomes of a survey conducted to measure demand for hackney carriages within the district.

Fiona Goldsmith, Public Protection Group Leader advised the Committee that Kirklees Council currently restricted the number of hackney carriage vehicle licenses to 224 for the whole of the district. In accordance with the Department for Transport's Best Practice Guidance issued in December 2023, those authorities who restricted the number of hackney carriage vehicles should complete a survey at least every 5 years in relation to whether there was any significant unmet demand for hackney carriage vehicles. The previous survey was carried out in 2020.

Ian Millership, Licensed Vehicle Surveys and Assessment (LVSA) carried out the survey. The Committee received a presentation on Mr Millership's findings, which suggested that there was no unmet demand for hackney carriages within Kirklees.

During discussion, the Committee raised concerns regarding the length of time the next survey would be carried out as there would be more of a demand for hackney carriages once the town centre had been regenerated.

**RESOLVED:**

- (i) That the Hackney Carriage Demand Survey be noted,
- (ii) That hackney carriage vehicle licences continue to be limited to 224.

**8 Licensing Services - Update report**

The Committee received a report which provided an update on the activities undertaken by the Council's Licensing Service from 1<sup>st</sup> April 2023 to 30<sup>th</sup> September 2023, along with a general service update.

Fiona Goldsmith, Public Protection Group Leader, advised the Committee that the number of hackney carriage and private hire licences in force as of 29<sup>th</sup> December 2023, was 5,987, with the number of applications processed by the service between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023, being 2,145.

Members were informed that vehicle testing between 1<sup>st</sup> April 2023 to 30<sup>th</sup> September 2023, had been carried out between George Street testing station and Vine Street testing station, with reasons for the failures. It was noted that service standards figures had dropped quite considerably between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023, due to staff absences and resource issues, measures had been put in place, with figures from 15<sup>th</sup> January 2024 to 14<sup>th</sup> February 2024 saw an improvement in the target for service delivery.

Information was presented to the Committee outlining the decisions and licensing activities that had taken place between 1<sup>st</sup> April 2023 and 30<sup>th</sup> September 2023 as follows:

- There was a total of 15 decisions taken by the Group Leader for Licensing.
- The total number of licensing Act and general licencing licenses in force as of 23<sup>rd</sup> January 2024 was 2,461.

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- The number of Licensing Act applications processed by the service between was 415, with four applications been considered by the Licensing Panel.
- The service received a total of 3,057 applications. In the previous 6 months period between 1<sup>st</sup> October 2022 and 31<sup>st</sup> March 2023, the service received a total of 2,854 applications.
- 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 31 proactive enforcement duties, as part of the service role to keep the public safe.

Members were informed that in the previous licensing services update report, hackney carriage/private hire fees in Kirklees had not been reviewed since 2015. Following consultation in line with the requirements as set out in the Local Government (Miscellaneous provisions) Act 1976, and following consideration of the representations received, a decision was taken under delegation by the Strategic Director for Corporate Strategy, Commissioning and Public Health, to maintain the current fees level pending further investigations. It was anticipated that the review would be completed by 30<sup>th</sup> April 2024 and the service would again be able to consult with the trade on the proposed fees. Following the consultation, a report would be brought to this committee for a decision.

Ms Goldsmith advised the Committee that in November 2023 the Department for Transport had issued its updated best practice guidance in relation to taxi and private hire vehicle licensing. The previous guidance to local authorities was issued in 2010. A further report in relation to the Best Practice Guidance and any changes was to be brought to members in due course.

Members were informed that an alcohol toolkit had been designed as a one-stop resource with links to various data sources to provide supportive evidence linked to alcohol related harm, the results for the tool could be used as a part of representation to licensing applicants and would assist members with decision making at hearings, members were to be invited to training sessions to see the toolkit, learn how it worked and find out what benefits it would provide when they were making representations in relation to Licensing Act applications and when sitting on a panel determining applications.

**RESOLVED:** That the Licensing Services update report be noted.

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### **Decision Making - Hackney Carriage and Private Hire**

The Committee received a report regarding the decision-making process for hackney carriage and private hire licensing services.

Fiona Goldsmith, Public Protection Group Leader advised that guidance issued by the Department of Transport in July 2020 recommended that decision making

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should be the responsibility of a panel of suitable trained elected members. A formal consultation took place which showed that many respondents agreed that decision making should not be the sole responsibility of one person.

At the meeting of Licensing and Safety Committee on 6<sup>th</sup> July 2022, members instructed officer to investigate possible options relation to decision making and the implications for the options and to present a more detailed report.

At a meeting of Licensing and Safety Committee on 5<sup>th</sup> October 2022, several other options for decision making were present to members. Members resolved that decisions should remain with the Group Leader for Licensing and instructed officers to undertake further work to investigate other possible options that could incorporate members into the decision making. Members were asked to consider the following options:

- Members Panel
- Officer Panel
- Group Leader
- Hybrid Panel

The Committee was advised that if they were minded to deviate from the statutory guidance issued by the Department for Transport, members would be required to provide full reasons for the decision.

During discussion of this item, the Committee suggested that the following should be taken into consideration:

- Results from the consultation
- Timeliness of decision making
- Consistency of decisions
- Consideration of other West Yorkshires Authorities decision making process
- Oversight of decisions
- Cost to Kirklees Council
- Cost to the trade

Trade representatives explained to the Committee that the trade had been paying for a committee panel since 2015. Ms Goldsmith explained that a review of the license costs was ongoing, with an expected completion date being approximately April 2024.

**RESOLVED:** That the decision-making process relating to the hackney carriage and private hire licensing service to remain with the Group Leader.

The reason for deviating from the statutory guidance issued by the Department for Transport was that there was a robust decision-making process already in place. The Committee was confident with the quality of decisions made by the Group Leader which were consistent and made in a timely manner. The Licensing and Safety Committee had overview of those decisions in the Licensing and Safety Committees, and the process fell in line with other West Yorkshire Authorities. Changing the current process would incur costs to the Council and to the trade.

**10 Officer Delegation for minor policy and process changes - Hackney Carriage and Private Hire Licensing**

The Committee received a report regarding Officer delegation for minor policy and process changes – Hackney Carriage and Private Hire Licensing.

Fiona Goldsmith, Public Protection Group Leader advised the Committee that currently for all policy and procedure changes that were written into the hackney carriage and private hire licensing policy, changes required member approval in accordance with the constitution. Where a change was minor, the process to consult and take a report to members was time consuming and costly for the Council. It was requested that minor changes to policies and procedures be delegated to the Head of Service, in conjunction with the Chair of the Licensing and Safety Committee. Where the Chair of Licensing and Safety Committee deemed the proposed change to be major, rather than minor, it would follow the existing process and be taken to member for consideration, and where required full consultation.

**RESOLVED:**

- (i) That the Officer Delegation for minor policy and process changes report be noted,
- (iii) That Members agree to delegate minor changes to hackney carriage and private hire policies and procedures to the Head of Service in conjunction with the Chair of the Licensing and Safety Committee.

**11 Hackney Carriage and Private Hire Vehicle specification policy review**

The Committee received a report regarding the Hackney Carriage and Private Hire Vehicle Specification Policy.

Fiona Goldsmith, Public Protection Group Leader advised the Committee that the current vehicle specification policy had not been reviewed/amended since July 2008.

At the meeting on 19<sup>th</sup> July 2023, the Committee resolved that officers be given authority to commence a twelve-week consultation regarding the proposed changes to the existing vehicle specification.

Following discussions with the Hackney Carriage and Private Hire associations and engagement meeting with hackney carriage and private hire licensed trade, several matters were raised regarding the existing vehicle specification policy.

A breakdown of questions and response topics in the survey were provided to the Committee which included:

- Vehicle Colour
- Wheelchair accessible vehicles
- Door Signs
- Age Limits
- Vehicle Testing Frequency
- CCTV
- Window Tints

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- Blackout/Privacy Glass and Self Applied Material/Film
- Multi-purpose Vehicles and Sports Utility Vehicles
- Trailers

**RESOLVED:** That the draft vehicle specification policy with the following amendments be adopted:

- (i) That all licensed vehicles, regardless of age be subject to annual testing,
- (ii) That multi-purpose vehicles continue to be licensed, and sports utility vehicles remain to be barred,
- (iii) That Officers provide further information relating to sports utility vehicles not being licenced at a future committee meeting,
- (iv) That licensed vehicles be allowed to tow trailers.