



Leicester
City Council

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE
(Microsoft Teams Meeting)

Held: TUESDAY, 15 SEPTEMBER 2020 at 4:00 pm

P R E S E N T:

Councillor Pickering (Vice-Chair in the Chair)
Councillor Singh Johal (Vice Chair)

Councillor Cank
Councillor Gee

Councillor Fonseca
Councillor Dr. Moore

Councillor Thomas

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40. APPOINTMENT OF CHAIR

Vice-Chair Councillor Pickering was appointed as Chair for the meeting.

The Chair led on introductions.

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Shelton.

The meeting was informed that Councillor Singh Johal would arrive late to the meeting.

42. DECLARATIONS OF INTEREST

There were no declarations of interest made.

43. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 9th March 2020 be approved as a correct record.

44. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in

accordance with the Council's procedures.

45. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

46. STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

The Director of Neighbourhood and Environmental Services submitted a report to inform the Committee of new statutory taxi and private hire vehicle standards issued by central government. Members were recommended to note the information and take account of the content when determining taxi matters.

The Chief Licensing Officer presented the report, and highlighted the following points:

- Licensing legislation around taxis and private hire vehicles had been in place for a long time, was quite dated and not suitable for current needs.
- The Government received a couple of reports (Law Commission 2010 and Task and Finish Group 2018). Both groups asked for a change in legislation and an update in practice and guidance, but legislative change was no longer on the government's timetable.
- The Institute of Licensing issued guidance in 2018 with the aim of ensuring consistency across the country.
- The Department for Transport published statutory taxi and private hire vehicle standards on 21 July 2020 which took effect immediately (attached at Appendix A to the report).
- The standards are not in law but the introduction stated "the Department expected the recommendations to be implemented unless there is a compelling local reason not to."
- The new standards took precedence. If the standards were not adhered to, there needed to be a good case why not, and could damage an authority's reputation in court. It was considered good practice for the Council to publish consideration of the standards, and with the pending taxi strategy being developed it was an ideal opportunity to link standards with new policies.
- It was recommended that an overarching policy be produced to bring everything together under which the policies for driver, vehicles and operators would sit. It was further recommended there be consultation with stakeholders, with the policy to be formally reviewed every five years.
- If there was a change of policy for drivers, it was suggested that the licences of existing drivers who would fall foul of the new policy should be reviewed, and drivers be given the opportunity to meet new standards.
- Standards advocated interim checks, for example, six-monthly DBS checks. The intention under the taxi strategy was to ask drivers to sign up to the DBS update service at no additional cost to the driver. This would enable checks to be carried out at appropriate intervals.

- The authority should make use of other methods for obtaining and sharing knowledge, for example, knowledge sharing with police and other authorities.
- There was a training programme for decision makers in LCC but this could be improved to include items suggested in the new taxi standards that were not covered currently.
- Current arrangements for decision making still accord with processes in the new standards, with some items taken to sub-committees for Member decisions.
- Standards omit reference to multiple convictions or motoring offences.
- To assess written English would require boosting existing requirements. If an existing driver struggled to understand policy and guidance and written communication, the Council would have to take a view on their suitability to remain licensed and give the driver a period of time to bring their written English up to the standard required.
- The use of CCTV in licensed vehicles is encouraged in the new standards but GDPR requirements need to be considered.
- Operator proposals match those in the Council's proposed Taxi Strategy.
- Other recommendations included joint authorisation of enforcement officers with neighbouring / relevant authorities, for example, Oadby and Wigston BC could deal with Leicester City Council drivers, and vice versa.
- New standards applied immediately, but there were a few that went beyond the Council's current proposals that needed to be included before agreeing policy.

In response the Members' questions and observations the following responses were made:

- The principles of natural justice are in common law and fairly well defined in terms of procedural fairness or treatment to be fair. A person had the right to be heard with or without representation, with adequate opportunity to present their case to an unbiased Committee. The Council had policies in place to guide Members in the decision-making process. It was also requested that examples of natural justice be included in training for Members.

Councillor Thomas joined the meeting at this point.

Councillor Singh Johal joined the meeting at this point.

- It was important that an English test be incorporated. Previously focus had been on spoken English with the need for drivers to communicate with customers, regulatory officers, police and so on, but a written English test would go a step further and stated drivers must be able to read policy documents, understand communications and so on. If the authority introduced a standard greater than a standard previously applied, the question was asked if the authority should go back to those who had been issued a licence previously and that the new standards applied to them also. It was agreed this should be the case.
- CCTV favourable but not mandatory at this point in time. The standards

stated it was a good idea for drivers to have CCTV and were encouraging licensing authorities to introduce it as a standard to deter crime and make people feel safe and was good for drivers as well as passengers.

- Members agreed there should be some level of English assessment. Who would set the test and at what level, and whether existing licensed drivers needed to undertake written assessments needed to be decided. English Level Entry 3 was the standard set some years ago and used for citizenship in the UK, though the standards did not give any indication of what the level should be. It was noted that spoken English assessments were undertaken by Leicester College, and it was suggested that perhaps Leicester College could help with the written standard and signpost those drivers not at the required standard to relevant training. It was anticipated that assessing existing drivers would be a huge job. Standards had come into effect immediately and the mechanics of assessing the drivers needed to be planned. It was further noted that the authority had not been able to process new driver applications without medical checks as GPs were not providing the service currently due to Covid-19, and not able to provide the knowledge tests which was hands on using laminated maps, so this was also something that needed to be considered.

The Chair thanked the officer for the report and noted the recommendations in the report.

RESOLVED:

1. That information contained in the report be noted.
2. That Members take account of the content when determining taxi matters.

47. WORK CARRIED OUT BY THE LICENSING TEAM (POLICY AND APPLICATIONS) DURING COVID-19 PANDEMIC

The Director of Neighbourhood and Environmental Services submitted a report to inform the Committee of the work carried out by the Licensing Team (Policy and Applications) during the Covid-19 pandemic and how the Team had adapted to new ways of working in order to ensure that applications and queries were still dealt with in accordance with the Council Policy and Statutory Guidance. The Committee was recommended to note the contents of the report.

Councillor Fonseca joined the meeting at this point.

The Licensing Team Manager (Policy and Applications) presented the report, and the following additional points were noted:

- Background to processes introduced when lockdown commenced was outlined.
- The backlog of driver badges and vehicle plates / door signs had been dealt with and posted out now that staff had access to a specialist printer. The Licensing Team Manager wanted to pass on her thanks for her staff's hard work.

- Figures showed applications processed and licences issued up to and including 1 September 2020.
- In the case of formal hearings, test calls with licence applicants and representatives before the main meeting had been cited as good practice around the country.
- Officers are still working from home with an office base in City Hall in a Covid-19 safe environment. There is a room set up for staff to go in and print off badges which was working quite well.

The Chair congratulated the team who had worked very hard all through the Covid-19 pandemic to keep processes going.

The Chief Licensing Officer also noted that the Licensing Team had worked very hard from home through what had been a testing time. She also noted the comments about licence holders and applicants recognised how they had adapted to making applications online.

Members were also informed of the two other teams in the Licensing section. The Vehicle Testing Station had initially closed because it could not maintain social distancing measures to keep people safe. The Testing Station had reopened on 27 July 2020 for some inspections for renewals and had opened fully on 7th September. The Licensing Enforcement Team had also worked incredibly hard. A report would be brought to the next meeting of the work the team had undertaken which in many cases had been above and beyond usual working practices.

The Chair passed on the thanks of the Committee to all in Licensing Section during a very difficult time.

The Chair noted the recommendation in the report.

RESOLVED:

1. That the Committee note the contents of the report.

48. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 4.58 pm.