

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 10 June 2014

Subject: 3 year driver licences for Private Hire and Hackney Carriage drivers.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. A report was presented to Licensing Committee on 13 May 2013, which set out options for enabling '3 year licences' for drivers. Members debated the issues and resolved to form a Working Group to more closely examine all of the options and consult further with the trades.
2. The Working Group met on 6 separate occasions with representatives of the Private Hire and Hackney carriage trade and Private Hire Operators, taking account of the advantages, concerns and potential risks to public safety. An open invitation was also extended to all Elected Members of the Council.
3. Members of Licensing Committee considered the recommendations of the Working Group on 11 March 2014 and accepted their proposals in principle, directing Officers to release the proposals for public consultation and for the Private Hire and Hackney Carriage trade to consider for a period of one month.

Recommendations

4. That Members approve the attached policy in principle and direct officers to prepare a report for the consideration of the Executive to approve the policy.

1 Purpose of this report

- 1.1 To inform Members of the consultation so that they can further consider their previous 'in principle' approval in light of consultation feedback.

2 Background information

- 2.1 Members will recall the extensive discussions around safeguards recommended by the Working Group and these are reflected in the proposed policy produced at **Appendix 1**.

3 Main issues

3.1 Public safety considerations

- 3.2 Reference is made to previous reports dealing with:

- The starting point for obtaining a 3 year licence (the essence of the policy) including 5 years continuous 'good service' and what makes up 'good service'.
- The necessity for continuous annual on line DBS checks and DVLA checks for drivers;
- The process steps
- When or how a licence might be suspended
- The financial implications

- 3.3 Members accepted that it was too early to evaluate any potential cost savings and also recognised the Sections finances are 'ring-fenced' and protected for the benefit of the trade and that the issue of cost efficiencies could be re-considered at a later date.

- 3.4 A further discussion point was if there was an opportunity to accept instalment payments. This has been looked at and the key issues are:-

- The Section's accounts cannot work in arrears and currently there is a managed cash flow system that protects the Section's and the Council's finances.
- Currently there is no risk of non-payment but such a payment by instalment plan would immeasurably increase that risk.
- There are no technical systems in place which can interface with the Section's standalone licensing system. The development cost for an instalment payments system would be significant and a lengthy process.

- Licensing staffing levels would not necessarily be reduced because of the volumes of daily reconciliation of payments and accounts and 'chaser' enquiries.
- There could be significant cost collections debt recovery charges.
- Substantial risk of having to manage a significant debt position with attendant postal on-costs.

The views of IT, Finance and Officers at the Section agree that paying 'on line' is desirable but needs a long term solution. Payment by instalments is a much longer term and more complex issue which is not attainable in the short term.

3.5 Lead in time for commencement

3.6 The two main issues from the last Committee meeting were those of consultation and an IT solution for instalment payments. Waiting for the introduction of a Council wide IT solution is a 'show stopper' at this time. However, the policy could progress speedily once approved with the payments obstacle removed. It then just becomes a matter of choice.

4 **Corporate Considerations**

4.1 **Consultation and Engagement**

4.1.1 Consultation feedback is attached at **Appendix 2**.

4.2 **Equality and Diversity / Cohesion and Integration**

4.2.1 An Equality Screening Assessment has been completed and is available as a background document. There are no contra indicators to this being acceptable practice.

4.3 **Council policies and City Priorities**

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 At this time it is not possible to make a reasoned estimate of cost savings or additional expenditure associated to carrying out this policy. It is not however considered to pose any great risk but will of course be subject to continuous evaluation.

4.5 Legal Implications, Access to Information and Call In

4.5.1 With consultation finalised Members can view the policy to ensure they are satisfied it meets the Council's statutory function in respect of public safety which was extensively dealt with by the Working Group and is reflected in the policy document at **Appendix 1**.

4.6 Risk Management

- 4.6.1 Officers are satisfied that the policy is proportionate and can inform Members there would be early intervention in respect of drivers who did not comply with the public safety elements proposed by the Working Group.

5 Conclusions

- 5.1 Officers feel that the policy proposals set out in this report are manageable, financially viable and administratively sustainable providing participating drivers undertake their responsibilities conscientiously.

6 Recommendations

- 6.1 That Members approve the attached policy in principle and direct officers to prepare a report for the consideration of the Executive to approve the policy.

7 Background documents¹

Licensing Committee report 13 May 2013

Licensing committee report 11 March 2014

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Background information

In England (outside London), Hackney carriage and private hire licences are issued by district

Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire or reward on public roads. In Leeds, licensing and enforcement matters are dealt with by the Taxi and Private Hire Licensing Section.

Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 specifies that a drivers licence may remain in force for three years or for a lesser period as specified by the local authority.

Each licence has a set of Conditions, which the licence holder must comply with. Copies of these Conditions are attached to every licence issued and are readily available upon request at the Taxi and Private Hire Licensing counter.

Am I eligible to apply for a three year licence?

The Council has a statutory responsibility before it grants a licence to ensure an applicant is a 'fit and Proper' person. That responsibility continues throughout the lifetime of a licence.

Licensed drivers are able to choose whether to apply for a either a one year licence or three year licence depending on certain conditions being met.

What are the conditions?

Before a three year licence can be granted, the following condition must be met;

'Five years continuous good service with Leeds City Council'

This means service as either a private hire driver or Hackney carriage driver, or a combination of both, but only with Leeds City Council.

You must demonstrate a maintained standard of public safety, professional service and compliance with all of the legislation, Byelaws, Council conditions and administrative processes.

What do you mean by 'good service'?

Good service can cover the whole range of expectations of a licensed driver but there are particular cases where it will be considered more appropriate to ensure regular face to face contact;

- Where the driver has previously failed to report a matter which is a condition of their licence or required by a relevant Act of Parliament
- Where a driver is found to be or has been in possession of more than one DVLA licence in contravention of DVLA controls
- Where there is conflict with any of the Council's policies relating to convictions, training requirements or driver remedial training
- Where a licence is revoked for any reason, or suspended, as part of a Court finding or Council sanction (or where a period of suspension was imposed instead of revocation)
- Where at the point of renewal the driver licence is suspended as either part of an investigation or prosecution by this or any other Authority
- Although it is not a condition upon a Hackney carriage driver to report matters in the same way as

a private hire driver, the public safety test should still apply; where there has been a non-disclosure of such an incident, the same principles should be met at all times as a consideration in granting a three year licence

- Where there has been a distinct neglect or failure to appropriately follow the administrative process in licensing functions.

Although this list of examples isn't exhaustive, they would constitute a break in good service at any time during the lifetime of a licence. If the good service principle is broken, you would revert back to the starting point of the qualifying period again.

I have five years continuous good service; what do I do next?

Firstly, you must submit an application for a three year licence. You must present your supporting documentation to the licensing office; we may already hold some of these documents so please check with us at the time of application.

Are there any more checks I must undertake?

Prior to granting a three year licence, a full enhanced DBS disclosure must be undertaken. You must also be able to demonstrate that you have signed up to the DBS on-line update service which must be renewed each year. Failure to do so would normally result in the suspension of the licence until a further DBS disclosure had been submitted and you have demonstrated that you have once again signed up to the service.

You must also complete an annual DVLA mandate to enable us to monitor your eligibility to hold either a private hire or Hackney carriage drivers licence. This is to ensure compliance with the Council's policy in respect of motoring convictions or remedial training.

I've been granted a three year licence; can this be suspended or revoked?

Yes. Sometimes licences are suspended as a precautionary public safety measure following an allegation. Where there is to be no further action by the Council following an investigation, this would not normally be considered as a break in the continuity of your licence unless you had 'absented yourself' in a way which realistically prevented the Council taking any sustainable action against you.

Where a licence has been revoked or suspended as a sanction, this would be a break in 'good service'

If I don't renew my licence on time what will happen?

If you drive whilst unlicensed you would be committing a serious offence and liable to prosecution .

We will not chase you for your renewal; it is your responsibility.

If you fail to renew your licence on time because you have overlooked the renewal, we will need to put in place all of the safety checks described earlier. In many cases this can be accommodated in genuine circumstances but on occasions we will insist on the public safety test is satisfied.

A decision may be delayed whilst we undertake further enquiries

Consultation Feedback

Appendix 2

The Taxi and Private Hire Section received 68 survey responses from members of the Hackney carriage trade. These did not originate from the Section and it is assumed that they were distributed by the JTC.

	Yes	No	No response
Do you think your badge should be renewed every year only?	7.4%	82.3%	10.3%

	Yes	No	No response
Do you think an option for a 3 year badge should be available ?	94.1%	5.8%	0.0%

However, 4 respondents answered yes to both questions (80% & 6% of respondents for each question respectively)
3 respondents answered no to both questions (4.8% & 75% of respondents for each question respectively)

	Yes	No	No response
If the option of a 3 year badge is available should the cost stay the same?	14.7%	77.9%	7.3%

	Yes	No	No response
If the option of a 3 year badge is available should the cost be discounted?	89.7%	10.3%	0.0%

The following comments were recorded amongst the survey returns:

* **3 year badge would save time & costs for both parties**

* **With compulsory annual declaration that circumstances have not changed e.g. address/ convictions/ taxi association/ operator/ etc etc & a criminal offence to falsely declare**

The following feedback was received from licensed drivers via the Taxi and Private Hire Section's email account:

* **Granted licences ph/hc. for three years is really good idea because council and trades for less hassle I am really impressed for such as this idea**

* **I would be in favour of the 3 year license renewals as it would mean fewer trips to renew my license and it would also cut down the current waiting at vehicle licensing office**

* **In my opinion Leeds city council should accept this idea because it is time saving and easy for everyone.**

* **Regarding the licence for up to 3 years this should be been done long time ago if the driver's are willing to pay for it. I don't think general public has any interest in how long the drivers gets the badges for. It is via how has more interest in the badges than the general public.**

The following feedback was received from a licensing authority via the Taxi and Private Hire Section's email account:

Oldham Council has recently reviewed its policy on the issuing of three year licences. The results of this review was to remove the ability for existing drivers, or new drivers, to apply for a three year licence. The reason for this was due to driving offences not being reported to the Oldham Council's Licensing Section, as is required by way on conditions attached to licences, and the Licensing Section only becoming aware of these offence upon renewal of a licence. In one extreme example a licensed driver received a nine month driving ban six months into his 3 year licence period. The driver failed to notify officers of this ban, and they only found out 2.5 years later when the driver renewed his private hire drivers licence.

The following feedback was received from Eurocabs via the Taxi and Private Hire Section's email account:

We and our members are in full support of the option being available to all drivers licenced by Leeds City Council for driving Hackney Carriage or Private Hire vehicles. The NOS Scheme (Notifiable Occupation Scheme) and the three year DBS scheme will ensure that there are no greater risks to public safety compared to the existing annual renewal scheme, and this is also noted in the Best Practice guide.

The three year licence will relieve the footfall pressure that we continually hear about from licensing officers as to the reasons why certain issue and policies cannot be implemented. The delays experienced by the trade members in the waiting time to process their renewals, applications or dealing with other matters are also generally blamed for the greater amount footfall pressures.

The Licence should be discounted to encourage drivers to take up this option and only then will the benefits be noticed. As the time and materials required to process a drivers licence application will only be utilised once every three years then the two years saving should be passed onto the drivers.