

**Report of Head of Licensing and Registration**

**Report to Licensing Committee**

**Date: 17 December 2013**

**Subject: Review of Private Hire Operator (PHO) Conditions**

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. In licensing Private Hire Operators (PHO) the Council has a statutory obligation to ensure that the applicant and directors are 'fit and proper' persons. That requirement continues throughout the lifetime of a licence and at the point of renewal.
2. Conditions can be imposed upon a PHO licence to ensure its operating practices meet the specific requirements of the Council. The conditions have to be proportionate and relevant to that area of licensing and regulation. Conditions cannot supersede controlling primary legislation (for example planning law).
3. The current PHO conditions have not been reviewed for a considerable time and the growth of the industry, the advances in technology, the increased public safety and expectations of service requirements all indicate the need for a comprehensive review. In one particular area there is an urgent need for review ('Out of town' taxis).
4. Initial public consultation has taken place and individually with some PHO's. Those results, Officer views and reviewing other local Authority conditions leads to the wide range of proposals in this report. The proposals are not distilled to the fine detail but give sufficient information for Members to consider the essential principles and review before returning to wider consultation.
5. Members are informed that the private hire industry in Leeds is a significant supplier of passenger transport in the licensing district and in the top few industry leaders in the country. Some of the organisational aspects of their businesses are exemplary, some need significant development. Some proposals in the report are designed to extend

that best service and management across the industry but without losing sight of the vital role small PHO's have in local communities. The balance between additional business costs and necessary industry improvements are recognised and further views might arise following final consultation.

## **Recommendations**

6. That Members consider and make appropriate observations prior to further consultation.
7. Because of the scale of the issues it is considered appropriate that a full 3 month consultation takes place which will enable wider contact with disability groups and partner agencies in respect of the broader issues.
8. In respect of 'out of town' HCV's there is a potential public safety issue to be addressed at the earliest opportunity and it is proposed that initial consultation should be of one month with a review period of 6 months following implementation.

## **1 Purpose of this report**

- 1.1 To present a comprehensive review of the PHO conditions and submit proportionate proposals to contribute an uplift of service standards and compliance across the operator licensing base and meet arising public safety challenges.
- 1.2 These are significant change proposals and the report briefly sets out the safety, service quality, compliance and complementary issues that need to be addressed. In doing so, the proposals are sensitive to imposing unnecessary financial burdens, but does balance that in highlighting the necessity for change. Timescales for service improvement that have a cost effect or potentially significant training input can be built in but the need for increased professional standards in some areas needs to be addressed much more quickly. Members are pointed to those considerations in the body of the report.
- 1.3 The report has already had two distinct periods of consultation, the first being public and the second direct interaction with PHO's. The next stage is for Members to contribute to this report prior to approving further consultation. The presentation of the final reports and their recommendations will follow on from that.

## **2 Background information**

- 2.4 The private hire industry in Leeds consists of:

83	Operators
4991	PHD's
3756	PHV's
171	Licensed escorts

- 2.5 In addition to the everyday service provision, the private hire sector is the most significant supplier to the Council's Education and Social Services Contracts and this brings with it potentially high levels of access to children and vulnerable adults. In awarding a contract to a private hire operator through an approved procurement tendering process it has to be taken as read that the drivers and escorts supplied by the operator have been assessed against the convictions criteria.
- 2.6 Whilst standards of safety and accountability in other areas of Taxi & Private Hire Licensing have moved forward significantly over recent years, the private hire operator conditions which should spell out their responsibilities and accountability have not and in many areas are not in 'sync' with today's professional business and safety standards in the public transport environment.
- 2.7 Some PHO's have made significant business strides in the last decade and embraced technology, the principles of good business and employment law and worked co-operatively with the Authority. However, that is not the case across the board.

- 2.8 In setting out the proposals later in this report Members may wish to consider the remarks of Mr Justice Hickinbottom, in the High Court of Justice, Queens Bench Division, Administrative Court, Leeds on 27 September 2012.

In respect of licensing the operators of private hire vehicles, section 55(3) of the 1976 Act provides:

*“A District Council [i.e. the licensing authority] may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.*

*The wording of section 55(3) gives Licensing authorities considerable scope for setting operator conditions.*

*However, the discretion must be exercised against the background of the conferring legislation and to further the objectives of the 1976 Act. The patent intention of the Act is to impose a regulatory scheme which (i) is focused on operators and (ii) is inherently local in character, including enforcement by the relevant local licensing authority. “*

- 2.9 In addition to setting out in straightforward terms the purpose of this part of the Local Government (Miscellaneous Provisions) Act, 1976, the emphasis is on reasonableness and localism. What might not be done in other Authorities, for whatever reason, should not deter Members from considering what is proportionate and most beneficial for Leeds citizens and those who visit the city and users of the private hire industry.
- 2.10 The report sets out not only proposals for a safer and more accountable transport management system but pushes forward the view that if a licence is granted by this Authority the business should be run in accordance with all of those other Acts of Parliament that reduce the risk of money laundering, tax and benefit avoidance issues that Members might want to consider. It also tackles the ‘out of town’ licensing issues where significant challenges are presented to the Authority.
- 2.11 Members are reminded this report does not set out final recommendations but it is an opportunity for them to contribute to the final stage of consultation before coming back to Members for consideration

### **3 Main issues**

- 3.1 There has been public consultation and an invitation to all PHO’s to work more closely with the Taxi & Private Hire Licensing staff and to work through some of the issues raised in this report or other areas of potential development. Despite repeated efforts these were not well attended and in reality those who did attend are the PHO’s who most frequently attend the PHO forums but also contribute positively to the issues in question.
- 3.2 The existing PHO conditions are attached at **Appendix 1** along with brief Officer comments.
- 3.3 The proposals for consultation on new PHD conditions are set out as follows:-

## 3.4 Customer focus and Business improvements

### 3.5 Corporate clothing (shirt or outer garment)

**PHO consultation feedback:-** This is an issue often raised by the trade and some Members and their views were:-

*“Personal choice of company; companies should have a badge designed for themselves; agree but can be expensive; badge good idea but it adds to the expense. Whilst the majority thought it was beneficial to have ‘company clothing’, cost was a consideration but most thought that it was in the best interests of those who did so and if others did not want to invest in was their loss.”*

**Officer comment:-** There are distinct benefits to this in terms of enhanced safety for customers and also improving the image of the trade in the city. There appears to be a positive link between those PHO's who already do this and are progressing in a business-like manner and supplying a uniform style shirt with the company detail/logo on it. However, it is thought to be beyond licensing control and should be considered as a good business practice by PHO's..

**No change proposed.**

### 3.6 Staff training

**PHO consultation feedback:-** In discussion it raised some strong reaction generally the argument was put forward throughout the consultation of *‘if they don't want to invest, it's their problem’* view but also it was felt that each private hire operator (except single vehicle companies) should ensure that all of their call handling staff have received:

- Accredited customer service training
- Data protection training
- Be subject to a DBS

The view of some PHO's was that a DBS disclosure was important considering the amount of personal and secure information that could be accrued. They also felt that the practice of using totally unqualified staff is inappropriate. Concerns in the trade are that people are 'employed' outside of all of the employment law, Inland Revenue arrangements, minimum wage legislation and outside of other financial scrutiny arrangements that should be in place.

**Officer comment:-** The Data Commissioner retains responsibility for monitoring the 'data controller' (PHO) and so is primary legislation, similarly HM Revenue and Customs are the appropriate authority for some of the proposals. Whilst

some of the issues might be poor business practice or worse it is thought to be beyond licensing control.

**No change proposed.**

### **3.7 Public access areas of Operator premises**

**PHO consultation feedback:-** Suggestions raised by the trade during consultation were for additional requirements that the licensed premises must have:

- Fire risk assessment
- Full Health & Safety Risk Assessment

**Officer comment:-** Again the responsibility for good business practice and customer focus should remain with the operator in a competitive market place and who should be compliant with fire regulations, staff health and safety and planning requirements in respect of staff employed and public access.

**No change proposed.**

### **3.8 Record of driver hours**

**PHO consultation feedback:-** This issue has been raised several times over the years by Members as a concern that some private hire drivers were working too many hours per day in the role or having a day job and then driving as a night shift. Although not an area of specific consultation in this process, PHO's have indicated that it is not possible to determine how long someone has been working throughout the day prior to booking on with the PHO and is therefore unmanageable.

**Officer comment:-** In contrast to the regulation of hours worked by a PSV or HGV driver, a self-employed private hire driver has no such legal restrictions on them. If they were the subject of a contract of employment with the PHO then there would be a restriction of 48 hours per week averaged over a 17 week period, but that is the only legal constraint. The consequences of driver fatigue all too often appear following some serious road traffic collision and whilst the driver may be held accountable for any subsequent fatality it is an issue that PHO should be aware of when they use a PHD in those circumstances. There are many full time drivers but also others who use their PHD licence as a secondary form of income.

It is not considered manageable or viable to attempt to control this issue by way of condition and there is also doubt that any such restriction could be legally imposed upon a driver or operator. It is felt that this issue is best dealt with as an awareness and best practice issue for PHO's.

**No change proposed.**

### **3.9 Fares and receipts**

**PHO consultation feedback:-** How information is imparted to the public does not present a significant problem for most operators and where there is a reoccurring problem PHO's should look at improving their information or more closely examining the customer-client interaction. Many PHO's already advertise their fares, some have tariff meters (the Council cannot in law insist they do) and most of the disputes over fares are resolved directly by PHO's. It was emphasised by the PHO's that it is not always an enviable position having to negotiate a fare late at night with some customers.

**Officer comment:-** This is often the subject of complaint by the travelling public and is frequently the root of arguments. That situation can be improved upon by clearer information at the time of booking and a visible notice showing how fares are calculated on the PHO web-site or public waiting area, to be easily read by a person seeking to hire a PHV or HCV at those premises. It would be helpful if at every point of producing such information it was pointed out 'fares and charges for private hire vehicles' are not controlled by Leeds City Council" and "fares should be agreed before the journey". "Where the vehicle uses a meter this should be clearly explained and on what occasions it is not used (pre-arranged contract fares, out of licensing District fares etc).

**No change proposed.**

### **3.10 Parking and 'return to base after booking'**

**Officer comment:-** There are two contentious issues, particularly to the Hackney carriage trade but also residents in some cases, particularly those relatively near to larger PHO bases.

This is an area which is not within the control of the licensing office and is dealt with under primary planning legislation and the respective legal authority to enforce that legislation remains with the responsible office by statute.

A 'return to base' requirement after the completion of a pre-booked journey is mentioned in 'Button on Taxis' and includes the following comment:-

*12.74 Private Hire vehicle must return to base*

*This can be contrasted with a condition, which is applied by at least one local authority, that, after each booking has been completed, the private hire vehicle must return to its operator's base before it can be despatched by the operator on another hiring. It is difficult to see what the justification is behind this condition. It could appear to be a recipe for considerable congestion in the vicinity of the private operator's base, a waste of time and fuel and a method of greatly increasing both environmental pollution and wear and tear on the vehicles*

*involved. If the district in question is sizeable (and a great many districts are large geographic areas, both in England and Wales) and the operator is based near to a boundary with another district, the situation could arise that a vehicle is being despatched on a hiring across the district, returning across the district to the base, then being sent back from whence it came to pick up the next fare which is very close to the destination of the original fare. Such a condition would be manifestly absurd.*

**No change proposed.**

### **3.11 Trading name**

**Officer comment:-** It is not the intention to restrict the appropriate or innovative naming of a PH business but it has been a source of frustration in the past to the trade and Officers. There are examples of a PHO selling the business and 'good will' only for a new operator to open a short while later with a very similar business name. Sometimes this is not dealt with in contractual arrangements and can lead to confusion with the public (as well as ill will within the trade). Similarly, where a PHO licence is revoked or suspended it seems inappropriate that the identical operating name or one closely associated to that is taken into use. Again this can be confusing for customers and drivers, and perhaps undermining of the council's regulatory sanctions.

**Change proposal.**

- It is proposed to deal with this issue as a pre-requisite to the grant of a PHO licence by ensuring that any potential confusion is removed when a preferred operating name is put forward. This would also apply to those names which might conflict with the operating name within a neighbouring local Authority.

## **3.12 Regulatory**

### **3.13 Operator training**

**PHO consultation feedback:** - Generally this was considered to be important to the trade during consultation but a thread of concern ran through the consultation briefings in respect of how it would affect those currently licensed. Some suggestions were proposed.

- At the point of entry to the trade there should be a PHO knowledge test as is the case with PHD's and HCD's with a licence not being granted until the appropriate test has been passed.



- Existing licensed operators would remain unaffected by this Condition unless there is a substantiated concern about breaches of conditions or associated poor practice; or
- All operators undertake an industry recognised CPC significantly relative to the trade.
- That those who manage distinct areas of the operating business under the control of the operator undertake training in PHD, PHV, Operator conditions, equality, customer service and data protection matters.

**Officer comment:-** Building upon the thoughts of the existing PHO's there are undoubtedly significant business improvement and public safety benefits to be gained with the training indicated by the PHO consultees. There is stability and a lot of experience within the current licensed PHO's and Officers feel that appropriate training when necessary could be more beneficial than demanding a CPC qualification.

Such a training requirement exists in respect of PHD's and that was introduced on the basis that all new applicants should undertake it and as outlined in bullet point one above. The condition on PHD's could be mirrored in respect of PHO's.

#### **Change proposal.**

- At the point of entry to the trade there should be a PHO knowledge test which incorporates all of PHD and PHV legislation and conditions and the newly approved PHO conditions.
- Where an existing PHO breaches their PHO conditions that they should be required to undertake such a test within a 3 month timescale.
- If members were minded to require at all existing PHO's undertake such testing that Officers take account of existing appropriate qualifications and set manageable timescales to develop and undertake testing.

### **3.14 Absence from business**

**Officer comment:-** This is a concern of Officers who frequently cannot contact the Operator or on some occasions determine who is managing the company in his absence. It is not intended to restrict the PHO practice but to ensure that the business is conducted properly, with appropriate accountability and reasonable access to a responsible manager(s) in that period of absence. This is an issue which has been recognised by way of Condition in some other local Authority areas.

#### **Change proposal.**

To overcome this a PHO:

- should notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent and supply contact detail of the manager to the local Authority. Operators maintain a list (supplied to the local Authority) of their responsible managers along with all contact detail.
- At all times the PHO will ensure that the local Authority has his most up to date contact detail especially a mobile telephone number.

### 3.15 Communications with PHO's and PHD's

**Officer comment:-** Despite the best intentions and efforts of licensing staff it is difficult to communicate with all licensed drivers in a reasonable time frame and at an acceptable cost (2<sup>nd</sup> Class postage (60p) for 4991 drivers, costs £2995 excluding officer time in enveloping and postal arrangements) on the issues drivers need to be informed of. There would also be wider benefit here in improving communications channels in line with Member's wishes.

Proposals to overcome this include:-

- Requirement for every PHO to have an email address exclusive to their licensed PHO business to which general information could be despatched from the licensing Section.
- Requirement for PHO's to display and maintain an accessible method by which PHD's can readily access licensing information forwarded by the Licensing office along with copies of the controlling conditions on PHO's, PHD's and PHV's. This could be hard copies on a notice board or some form of display screen.

### 3.16 Public complaints about an PHO service

**PHO consultation feedback:-** Consultation responses confirmed it seemed to fall into three distinct categories:

- Unjustified complaints about service
- Poor service to the customer
- Potentially serious or criminal matters

There was a lukewarm attitude generally to reporting matters to the Authority but there have been some very good examples of clear integrity by some operators. There were mixed feelings about having to keep more records although there was an understanding of the importance of reporting some matters.

**Officer comment:-** This is an area frequently dealt with by Enforcement Officers who try to distinguish between a poor business service (low level complaints), which are referred to the operator to finalise directly with the customer and the other more serious matters which should be referred directly to the Authority (allegations of theft, indecency, equality breaches etc).

What appears to be clear is that even taking in to account the low level of some complaints they can build up a business profile that can be indicative of a professional development need, or in the worst case the concealing of some potential significant offending or allegations.

These concerns could be dealt with by a requirement to maintain a 'register of complaints' and outcomes for inspection by the Authority for a set period, along with a reporting requirement for some more serious matters, for example complaints or allegations of sexual misconduct, racist behaviour, violence, dishonesty, breaches of equality.

#### **Change proposal.**

- PHO's maintain a register of public complaints in a format set out by the Council.
- A duty report immediately when the licensing office is open and in any other event within 72 hours.

### **3.17 Lost property**

This is an issue raised by Officers after consultation which is already accommodated with PHD conditions and touched upon in the preceding change proposal.

**Officer comment:-** This is not an unusual occurrence and there have been some excellent examples of honesty by drivers, but also an area that has led to criminal convictions with drivers stealing customers property. It is felt that 'lost property' is a sensitive area which can lead to mistrust not only in the PHO business concerned, but also the licensing policy in that potential crime is not being effectively monitored and responded to. This requirement may then focus an operator's attention into certain areas of concern.

There is an existing condition upon a PHD licence in respect of how property is properly accounted for and in the event of property coming into the hands of the PHO, Members might feel it appropriate to mirror that condition as set out below.

#### **Change proposal.**

A condition proposal in respect of customer complaints should carry over into a requirement to maintain a detailed record of 'lost property' reports and outcomes that may then focus an operator's attention into certain areas of concern.

## Change proposal

### LOST PROPERTY

- (a) Any property or articles of any description left in a Private Hire vehicle by a passenger and handed to the private hire operator shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the private hire operator to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

## 3.18 Disability vehicles – driver training

**Officer comment:-** This is an issue raised by Officers after consultation which is already accommodated in PHV conditions. Currently the responsibility for ensuring a PHD has appropriate specific training for dealing with wheel chair users as passengers rests with the PHD by condition upon a PHV licence. This can be difficult to manage and enforce by Officers and it is felt appropriate that this safety requirement is now placed firmly with PHO's when allocating work. This requirement will beneficially impact not only on the general travelling public but also those who use the Councils transport services contract.

### Change proposal.

- To place a condition upon the PHO licence to the effect that a wheelchair accessible vehicle may only be used for the transport of wheelchair users by a PHD who has attended the appropriate MIDAS training course.

## 3.19 PHO Tiered fees

**PHO consultation feedback:-** Generally there was a mix of nervousness, strong support or not seeing the point about this issue. Understandably more information on proposals was sought although there was a general recognition of fairness in the issue. Some specific comments were 'it would stop pirating firms', 'it is a money laundering opportunity for operators', 'tiered fees penalise some companies', 'other improvements as well – start-up fee and there should be significant jump between tiers', 'no – dash punishing successful companies', 'should do, some companies let drivers in for base rent and then don't use them'.

**Officer comment: -** The Act allows for the setting of fee's of PHO licences in the following terms (edited to the relevance of PHO's and excluding subsequent legal advertising requirements etc).

- (1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

The current application fee is £400 and the renewal fee £300. That fee is the same regardless of how many vehicles are operated under the licence. The allocation of licensed PHV's appears at **Appendix 2**.

The consideration here is not solely one of fairness but of an appropriate and proportionate charging mechanism that reflects the number of licensed vehicles and drivers which might require enforcement or inspection activity. A number of possible charging mechanisms are under consideration.

Members may feel that it is not unreasonable in financially accounting for the future of the service that the potential for an increase on a PHD or PHV licence fee should firstly be relatively reflected in the cost of PHO fees.

### **3.20 'Out of Town' Hackney Carriages acting as PHV's in this licensing District**

**PHO consultation feedback:-** Generally PHO's could not understand why somebody would want to do this and risk a poorer service to customers. The proposals in this report were suggested and there was some strong support for them.

**Officer comment:-** This issue is raised as a serious public safety concern by Officers, some of the PH trade and some of the HC trade. In essence it has become a means for people who may not wish to undertake the knowledge and safety tests set by this Council or other Council's and who are beyond the control of LCC Enforcement Officers.

A recent High Court case examined the legal standing of HCV's licensed by one Authority acting as a PHV in another licensing District where no PHD or PHV licence had been granted to that driver or vehicle. HCV's have always been able to undertake bookings from outside of their licensing District; for example collecting a regular customer from an airport or event outside of their licensing District.

The case(s) in question raised both concerns and possible solutions but in essence gave a green light to HCV's licensed by other Authorities to work as PHV's in areas where they have not been granted a licence.

This raises significant difficulties for a local Authority such as Leeds for example:

- HCV's not carrying the livery of this local Authority causes confusion with customers.

- The drivers and vehicles are not subject to reasonable enforcement capability by Leeds City Council.
- The drivers may not have undertaken any of the training the Leeds PHD's do.
- In the event of a complaint against the driver or vehicle, Officers have difficulty in identifying the driver and have no powers to demand information or an interview. With the driver.
- This Authority is reliant on a sanction or training requirement on the driver being carried out by another Authority and if that Authority does not have such a condition there may be difficulties in enforcing the issue or even accepting the need for such a condition or sanction.
- The fees for those drivers and vehicles licensed in this Authority may have to increase if the trend increases in volume.
- Leeds City Council are powerless to determine if such a driver or vehicle is properly licensed at any time while conducting enforcement activity on the streets.
- The risk to the public is significantly increased by drivers who would not meet the standards of this Authority or who have had their licence revoked.

Significant changes are proposed in light of relatively recent case law to ensure that appropriate measures are in place in respect of public safety and enabling the Authority to be able to conduct its enforcement activity efficiently and effectively. The preceding paragraph sets out the concerns.

The importance of urgently reviewing this PHO conditions in respect if this issue may lead Members to consider a shorter period of consultation to maximise public safety with an option of calling the matter back to Committee within a timescale which then allows for wider consultation and assessment of the issues.

The proposals for increasing public safety in respect of the issues identified above are addressed in the following paragraphs at 3.24 to 3.27 inclusive which are in addition to existing PHO conditions.

### **3.21 Change proposal.**

#### **Schedule of Drivers**

The PHO shall notify the Licensing Authority of each and every Hackney carriage driver employed or used by the operator on his Operator Driver Schedule (Form OPDS) this includes those Hackney carriage drivers licensed by other Authorities within 72 hours.

Where an PHO ceases to employ or use any such licensed Hackney carriage driver, the operator PHO shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer.

The PHO shall retain a copy of the Hackney carriage driver licence granted by another authority along with a copy of the driver's DVLA licence of any driver of that vehicle and also forward a copy of those documents to the Leeds City Council Licensing Office.

### **3.22 Change proposal.**

#### **Schedule of vehicles**

The PHO shall notify the Licensing Authority of each and every Hackney carriage vehicle employed or used by the operator on his Operator Vehicle Schedule (Form OPVS) this includes those Hackney carriage vehicles licensed by other Authorities within 72 hours.

Where a PHO ceases to employ or use any such licensed Hackney carriage vehicle, the PHO shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPVS to the Licensing Authority for amendment by an Authorised Officer.

The PHO shall retain a copy of the HCV licence granted by another Authority along with MOT certificate, certificate and policy of insurance; vehicle registration document and forward a copy of those documents to the Leeds City Council Licensing Office within 72 hours.

### **3.23 Change proposal.**

#### **Advertising on vehicles**

In addition to retaining the existing PHO condition 10 it is proposed that:-

Where a vehicle is licensed by another Authority such a HCD or HCV is expressly prohibited from using any literature, any documentation or any advertising or displaying any signage associated to that PHO or Leeds City Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

### **3.24 Change proposal**

#### **Telephone bookings**

Advance bookings for HCV's licensed by another Authority must be maintained in a completely separate register of bookings. If a computerised booking system is in place those booking records must be kept in a completely separate and distinct area of the systems hard drive to enable easy inspection by the Council.

A separate telephone line and telephone number must be installed and used for 'out of town' booking requests. In any advertising literature or web information a form of words must be used which clearly states to prospective customers the following:

- Neither this vehicle nor driver is licensed by Leeds City Council. The Council or the operator cannot give you an assurance of the current status of the driver or vehicle licence. We have to tell you that either the vehicle or driver may not be compliant with Leeds City Council training requirements, vehicle conditions or its criminal convictions criteria.
- Leeds City Council does not recommend the use of drivers or vehicles unlicensed by them on the grounds of public safety.
- Leeds City Council is not able to effectively take any action against the driver or vehicle in the event of a service complaint or serious allegation.

This message must be contained as a pre-recorded intercept message on the unique booking telephone line.

The caller should then be reminded of the PHO main operator number and given the option to be redirected to "a Leeds City Council licensed driver and vehicle".

### 3.25 Change proposal.

#### **Personal liability for road traffic construction & use offences and no insurance**

**Officer comment:-** Officers have already presented a report to Members that they will consider the prosecution of PHO's for defective vehicles used in the course of their business and it is intended to continue with that and offences where there is no vehicle insurance in place. On rare occasions that may be out of the control of the driver but control measures can be put in place which would help the PHO reduce their personal risk of prosecution and increase public safety; for example:-

- That operators maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc, as prescribed by the Council and a check list of expiry dates of the PHD, PHV licences and MOT expiry dates.
- The PHO retains a copy of the certificate of insurance of **every vehicle** operated by him which is additionally certified by the driver



- Similarly with MOT certificates
- Similarly with the DVLA licence.
- The PHO can provide a monthly inspection sheet for **every** PHV operated by him and retain such copies for 12 months. All other documents should be retained for the same period.

The personal responsibility of the licensed PHO is for the safety of their customer is inescapable and each PHO should be able to demonstrate their commitment to road safety.

### 3.26 Record of bookings

**PHO consultation feedback:-** To many PHO's this was not an issue but some complained that not everybody wanted to give their mobile telephone number and that it is difficult to get all of that information when you are busy.

**Officer comment:-** The first thing to realise is that this is a very basic requirement to differentiate between taxis and private hire vehicles to demonstrate a pre-booking. The obtaining of a telephone number serves two main purposes:

- 1) to validate the caller in later enquiries and discourage false entries
- 2) it can enable call or text back from the PHO to confirm the vehicle which has been despatched or that the vehicle has arrived at the booking place.

To bring the relevant condition up to date to assist in detecting plying for hire it is proposed that:-

#### **Change proposal.**

- The records required to be kept by the operator, under section 56(2) of the Local Government (Miscellaneous Provisions) act 1976, shall be kept in a suitable bound book, the pages of which shall be consecutively numbered.
- The operator shall enter or cause to be entered in the record book or computer data base, before the commencement of each journey, the following details for every booking of a Private Hire Vehicle invited or accepted by the operator or their agent.
  - The time and date of the booking and the time required – the 24 hour clock shall be used.
  - The full name of the hirer and contact number.
  - The point of pick-up.
  - The specific destination address.

- The driver's identifying number/name.

Irrespective of the vehicle used every PHO's shall ensure that the booking record clearly identifies the plate number of the PHV and badge number of the PHD for every journey.

- In the event of a failure of the computer data base the paper records shall be maintained in compliance with the preceding conditions for those PHO's who are not operating a computerised booking system. A computer data base should have the facility to print a paper record.
- Records should be kept in English and securely retained for at least 12 months following the date of the last entry or for such period as required by an Authorised Officer.
- All records shall be maintained and kept up-to-date at all times, and shall be available for inspection at all reasonable times without notice by an Authorised Officer, Police or VOSA. For the purpose of further investigation, records may be removed from the premises if so required or copied to disk, in the case of computer records. The PHO or responsible manager will certify them as a true and accurate record. GPS information must be securely stored when so required by the Council.
- A copy of any document shall be made available for collection by any duly Authorised Officer of the Council.

### 3.27 Telephone voice recording of bookings

**PHO consultation feedback:-** Some strong support was expressed as it could help in preventing plying for hire; keeps staff disciplined on customer care; good for resolving disputes; might cost more but it cuts out hassle between customer and operator; some old systems might not be compatible.

**Officer comment:-** Officers feel that in recording incoming calls it will assist considerably in detecting false booking entries which arise in plying for hire cases. Technology has provided massive improvements in booking licensed private hire transport but has also made the detection of 'plying for hire' more difficult. Members are aware that even with the threat of the immediate suspension of their PHD licence, possible conviction and subsequent revocation of their licence that some PHD's are not deterred from unlawfully plying for hire. This is the strongest point of concern for Officers and the trade and potentially a significant risk to public safety. 'Committed' offenders simply telephone the base and record the detail of the journey at the time of plying for hire or later.

There are some dishonest ploys by some drivers and some who complete booking records to assist drivers plying for hire. Quite often the root cause of this is the PHO does not have a sufficient customer base to justify the number of drivers on his OPDS but is willing to accept the 'base rent' and then turn a blind eye to the illegal actions of drivers.

### **Change proposal.**

- That a condition be placed on PHO's (not sole operators) that they utilise an approved voice recording system for incoming advance bookings which corresponds with the required detail in the booking records.

### **3.28 Paper records or computerised booking records?**

**PHO consultation feedback:-** Trade members were quite emphatic about the need to move forward with IT development in PHO offices to counteract false entries and improve customer service having said that, the existing PHO's recognised there needed to be a balance of the start-up point as set out below.

This question of customer service improvement has been answered by the trade on the basis of "if you want to grow your business you need to be able to properly handle the volumes of bookings".

In consultation PHO views were in agreement but the start-up point varied. The consensus was clearly that it is not possible to satisfactorily manage a PHO business to today's standards without computerisation. Members may be aware that there are a wide range of systems available and for clarity, the purpose of this report is to set a standard of integrity at a level that is proportionate to the business size.

There were some interesting discussions and four examples were:-

- Customs and Excise consider that **15** cars make it 'vatable' company.
- Small companies have gained a place in the market.
- **10** cars or more need a computerised system unless the drivers are spread out over a whole day.
- Cannot service the public without a booking and dispatch system if you have **20** cars or more.

**Officer Comment:-** Computer records are not infallible, but paper records show there is much more scope for easy falsification of records. An example is where a PHO leaves a series of blank lines in the knowledge that a driver who has dropped off in the city centre can then delay his departure, ply for hire and have a retrospective entry created.

### **Change proposal.**

PHO's thought this proposal might set the right balance and accommodate those operators with small businesses and as they grow provide a satisfactory way of professionally dealing with the customer base and enabling appropriate enforcement supervision.

- Paper records – Sole Operator  
PHO - 2 to 9 cars
- Approved computerised system – 10 – 19 cars
- Booking and dispatch system – 20 cars plus

### **Change proposal.**

Members may also consider that it could be appropriate to set a policy that where there has been a notable breach of correct record keeping that it is appropriate (in addition to any other sanction) that the requirement to move from paper records to an 'approved computerised system' would be appropriate.

## **3.29 Requirement to report convictions**

**Officer comment:-** This condition already exists in respect of PHD's and it is felt it should be mirrored in respect of PHO's.

### **Change proposal.**

#### **REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS**

- (a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-
  - (a) any conviction or finding of guilt (criminal or driving matter);
  - (b) any caution (issued by the Police or any other agency);
  - (c) issue of any Magistrate's Court summons against them;
  - (d) issue of any fixed penalty notice for any matter;
  - (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
  - (f) their arrest for any offence (whether or not charged)
- (b) When required a licensed private Hire operator will undertake a Disclosure and Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed private hire operators.

## **3.30 Training requirement**

## **3.31 Timescales of Proposals**

'Out of town' issues – one month consultation period with report return to Committee in March 2014.

Remainder of report – 3 month consultation period with report returning to Committee after April 2014.

Implementation of approved proposals – This would vary to prevent disproportionate impact upon the trade and subsequent reports will propose appropriate ‘lead in’ periods. Where the issues are considered to have a more urgent public safety requirement, shorter implementation periods will be proposed.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 As highlighted earlier in the report there has already been a 3 month period of consultation (**Appendix 3**) and then a series of group sessions with private hire operators. This led to the formation of some of the proposals in this report and the recommendations at 6.2 and 6.3 set out the next steps.

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

4.2.1 A full equality impact assessment has been completed and is available as a background document.

### **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 There are no anticipated additional costs to the Section, the work being undertaken as normal areas of development and any training needs being met by fee setting. The information in respect of a support officer for the Enforcement Team being financed by tiered fees on private hire operators would need to be the subject of a separate HR process and require appropriate approvals.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 Where an applicant has been refused an operator's licence under the private hire regime, or is aggrieved by any conditions attached to such a licence, he may appeal to the Magistrates Court (section 55(4)).

4.5.2 Although breach is not a criminal offence, where an operator fails to comply with the conditions of its licence, the Council may revoke the licence (section 62(1)). Where an operator is aggrieved by the decision to revoke, there is a right of appeal to the Magistrates' Court (section 62(3)).

#### **4.6 Risk Management**

4.6.1 Some of the proposals raised in this report need to be subjected to legal overview and advice which will be undertaken during the consultation periods and ultimately have a significant bearing on the final report.

### **5 Conclusions**

5.1 That consultation and legal advice will help Members form views which can be fully explored in the final report. Officers do feel that the proposed conditions in

respect of 'out of town' issues should be progressed more quickly in the interests of public safety.

## **6 Recommendations**

- 6.1 That Members consider and make appropriate observations prior to further consultation.
- 6.2 Because of the scale of the issues it is considered appropriate that a full 3 month consultation takes place which will enable wider contact with disability groups and partner agencies in respect of the broader issues.
- 6.3 In respect of 'out of town' HCV's there is a potential public safety issue to be addressed at the earliest opportunity and it is proposed that initial consultation should be of one month with a review period of 6 months following implementation.

## **7 Background documents<sup>1</sup>**

Equality Impact Assessment

Leeds City Council PHO conditions

Leeds City Council PHD conditions

Leeds City Council PHV conditions

Button on Taxis

Blue Line Taxis v Newcastle City Council

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<sup>1</sup> 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.

# Appendix 1

## ITEM 2

### CONDITIONS ATTACHED TO THE GRANT OF A LICENCE TO OPERATE A PRIVATE HIRE VEHICLE

1. Any person wishing to acquire a licence to operate a Private Hire Vehicle shall be a fit and proper person and make the application to the Council solely in their name on the prescribed form and pay such fee as prescribed by the Council. Such fee shall not be returnable under any circumstance, save at the sole discretion of the Council.

Every applicant for an Operators licence shall be required to disclose on the application form details of any conviction for any offence, bearing in mind the provisions of the Rehabilitation of Offenders Act 1974. A summary of these provisions is included in the conditions for your guidance.

Every applicant shall in addition to the information specified in the above two paragraphs, provide the name, date of birth and address of any person if the applicant proposes to operate the business in partnership with any other person(s).

Each operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

Officer comment: Significant changes proposal in respect of training and management arrangements of the company See paragraphs 3.13 to 3.15 in report.

#### 2. OPERATOR LICENCE

Each operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.

The current operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.

Officer comment: Change proposal to put limited control on business names.

#### 3. PLACE OF BUSINESS

A licensed operator will only conduct the business from the booking office address specified on the licence, each booking office address requires a separate licence. (NB: Any licensed operator wishing to conduct a business from any address other than that specified on the operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an operator licence, and the applicant shall satisfy the requirements of the Licensing Authority accordingly). An application on or within the grounds of liquor licensed premises will not be accepted.

The licensed operator shall provide, at the address from which the business is conducted as specified on the operator licence, an enclosed area to which the public have right of access for the purposes of making a booking for the services of a licensed vehicle or awaiting the arrival of a licensed vehicle subsequent to any booking. No operator shall



# Appendix 1

cause or permit any such area to be used by them or other persons for any other purpose than that outlined above.

The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

All licensed operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident.

All licensed operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

Officer comment: Any change proposal would be in line with legal and operational advice from LCC Planning Department.

## 4. OFF STREET PARKING

During the currency of the licence, the operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.

No licensed operator shall use any land or premises for the said purpose where that operator does not have lawful right of use of that land or premises. The operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for private hire vehicles.

Officer comment: Any change proposal would be in line with legal and operational advice from LCC Planning Department.

## 5. ACCEPTANCE OF BOOKINGS

Every contract for the hire of a private hire vehicle shall be deemed to be made with the licensed operator who accepted the booking, whether or not that licensed operator subsequently provides the vehicle(s).

Officer comment: Significant change proposal. See paragraph 3.31 in the report.

## 6. RECORD OF BOOKINGS

Each licensed operator shall keep a full and accurate record of every booking of a private hire vehicle in a register, details to include time and date of booking, time required, customer's name, particulars of the journey (from and to), and the vehicle used. These records must be maintained in a bound book with consecutively numbered pages. Operators must be able to identify from their records which private hire vehicle has undertaken any particular job, e.g. call sign = plate number.

The register must be maintained up to date at all times, and shall be retained at the address from which the business is conducted as specified in the operator licence for a period of not less than 12 months from the date of the last entry in the register.

The register(s) shall be available at any time without notice by an Authorised Officer of the Licensing Authority or a Police Constable who shall be empowered to take away the register(s) from the premises if required.

# Appendix 1

Licensed operators who wish to operate a computer booking record system **must** have the approval in writing of the Licensing Authority, and must adhere to all other relevant conditions.

Officer comment: Significant change proposal see paragraphs 3.31 and 3.32 in the report.

## 7. SPECIFIED VEHICLES

No licensed operator shall operate any private hire vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (Form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.

When a licensed operator ceases to operate any vehicle specified on the OPVS, the operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority for amendment by an Authorised Officer.

Officer comment: Significant change proposals contained.

## 8. SPECIFIED DRIVERS

The operator shall notify the Licensing Authority of each and every private hire driver employed or used by the operator in his Operator Driver Schedule (Form OPDS). Where an operator ceases to employ or use any licensed private hire driver, the operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The private hire driver licence must be returned to the driver.

Each operator will retain at the address from which the business is conducted, the private hire driver licence of every licensed private hire driver employed or used by that operator.

The private hire driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.

Every private hire driver licence retained by the operator must display the trade name and operator licence number relating to his licence.

Officer comment; Significant changes in the case of 'out of town' drivers. See paragraph 3.23 in the report.

## 9. RADIO EQUIPMENT

No licensed operator shall use any radio equipment for the purpose of conducting the business specified in the operator licence, other than equipment approved by the Department of Trade and Industry (DTI) under the provisions of the Wireless Telegraphy Act 1949. The operator shall produce such licence for inspection if required to do so by any Authorised Officer of the Licensing Authority or Police Constable.

Officer comment: General update only.

## 10. ADVERTISING

# Appendix 1

No operator may use the word **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner in any media, and any such advertising shall include the words Licensed Private Hire.

Where any operator in the course of business uses the trading name of business address specified on the operator licence to offer the services of a Hackney Carriage to the general public, the operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the operator can offer (without engaging the services of any other company or trading concern) is not less than 49% of the number of licensed private hire vehicles specified on the form OPVS.

Officer comment: No significant change. See paragraph 3.26 in the report.

## 11. STANDARD OF SERVICE

The operator shall provide a prompt, efficient and reliable service to members of the public at all times and shall ensure that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.

## 12. GUIDE DOGS

Every proprietor, driver and operator of a licensed private hire vehicle shall ensure that guide dogs are carried within the passenger compartment of the vehicle on request.

## 13. LOST PROPERTY

All property carried or articles of any description left by any person booking or waiting for a private hire vehicle at the address from which business is conducted shall forthwith, and in any event not later than 72 hours, be delivered to:

The Taxi and Private Hire Licensing Section  
225 York Road Leeds LS9 7RY.

Officer comment: Change proposal. See paragraph 3.8 in report.

## 14. NOTIFIABLE ALTERATIONS

**Place of Residence** - During the currency of the licence, the operator shall notify the Licensing Authority in writing of any temporary change of residence which is for a period in excess of 21 days. In either case, the Licensing Authority shall be notified in writing within 7 days of such change taking place.

**Radio Equipment** - Where any licensed operator is granted a licence by the DTI to use radio equipment, and where that equipment is to be used for the purposes of conducting the business specified on the operator licence, the operator shall within 7 days of the grant of a licence issued by the DTI notify the Licensing Authority in writing stating the serial number and letters of the licence and any transmission frequencies authorised for use. The operator shall also notify the Licensing Authority in writing of any authorised change in transmission frequencies or of any additional frequencies within 7 days of such changes taking place.

**Convictions** - During the currency of an operators licence, the person named on the licence shall forthwith, and in any event within 7 days of any conviction, notify the Licensing Authority in writing of such conviction(s).

# Appendix 1

**Disposal of Business** - Each operator, when disposing of any business interest, shall within 14 days give notice in writing to the Licensing Authority that the business registered in his/her name has terminated.

## 15. COMPLAINTS

Operators on receiving any complaint of a serious nature regarding any person licensed by the Authority must immediately inform the Taxi and Private Hire Licensing Section as to the identity of the person involved and the nature of the complaint.

Officer comment: Change proposal to expand and more closely monitor and enforce the condition. See paragraph 3.7 in the report.

## 16. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART 2

All licences in connection with the driving and operation of private hire vehicles and all conditions attached to the grant of such licences are issued by the Licensing Authority in accordance with the provisions of the 1976 Act.

Each operator shall make themselves aware of the provisions of the 1976 Act and any other relevant legislation including the Licensing Authority conditions attached to the grant of a private hire operator, driver or vehicle licence.

**PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IMPOSED ON THE LICENCE, YOU HAVE THE RIGHT OF APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS ISSUED TO YOU.**

## Appendix 2

Operator Trading Name	Owned and Operated by Operator	Operated but not owned by Operator	Total Cars Operated by operator	Booking Records
1st Apollo Cars.	0	37	37	Electronic
T & T Travel	0	0	0	Paper based
T & T Travel	1	0	1	Not Known
Interline	0	41	41	Electronic
Deighton Cars	1	0	1	Paper based
Wetherby Cars	3	2	5	Paper based
A.S.A.P.	1	1	2	Paper based
Local Cars	15	41	56	Electronic
Swillington Cars Ltd	0	2	2	Paper based
Star / SupremeLine	0	45	45	Electronic
New Armley Cars	1	12	13	Paper based
Wheels	45	239	284	Electronic
Platinum Licensed Private Hire	0	2	2	Electronic
Intime Private Hire	0	3	3	Paper based
Club Cars	3	38	41	Not Known
M C Chauffeurs - Executive	0	0	0	Paper based
Airlink	0	0	0	Paper based
Streamline - Telecars	0	0	0	Not Known
Time Line.	2	27	29	Electronic
Amber Cars	109	641	750	Electronic
Call A Car .	0	1	1	Not Known
Apex Cars	1	12	13	Paper based
Dees	0	4	4	Paper based
First Lady & Homelinks	2	1	3	Not Known
City Cars	0	18	18	Paper based
Its Roadrunners	0	163	163	Electronic
Geo Cars 3	6	59	65	Electronic
Highways Private Hire	0	19	19	Paper based
A B Cars.	1	35	36	Electronic
Parkways.	0	48	48	Paper based
Otley Private Hire	1	9	10	Not Known
Morley Central Line	1	49	50	Electronic
SJK Travel2Airport.com	12	114	126	Electronic
A Metro Cars	0	22	22	Electronic
Bramham P.H.	1	0	1	Paper based
Aireline/Holbeckline	1	40	41	Not Known
Ladyline/Phoenix Cars Leeds Ltd	7	6	13	Not Known
Enterprise Cars.	1	0	1	Paper based
Espley Travel LTD	0	0	0	Not Known
Local Cars	0	0	0	Not Known
Rymie Travel	0	0	0	Not Known

## Appendix 2

Yeadon Licensed Private Hire	0	16	16	Electronic
Morley Budget Cars	8	13	21	Electronic
Fly Away	0	1	1	Paper based
A1 LEEDS	0	13	13	Electronic
Elite L.P.H	1	0	1	Paper based
Just Bus	3	0	3	Paper based
Stanningley Cars Ltd	0	87	87	Not Known
Royal Cars/New Royal Cars	1	54	55	Electronic
Pudsey - B - Line	6	53	59	Electronic
Abbey Cars	3	2	5	Electronic
Jerome Private Hire	1	0	1	Paper based
Drive Time	1	0	1	Paper based
Gee Gee Cars	1	71	72	Electronic
Airport Services	0	1	1	Paper based
Network Cars	3	25	28	Electronic
Easy Travel	20	25	45	Not Known
Atlas Cars	3	7	10	Electronic
Chevin Cars	1	0	1	Paper based
Rhodes Ahead	1	0	1	Not Known
Premier Licensed Private Hire	4	302	306	Electronic
Stanningley Coaches Ltd	8	0	8	Paper based
Morley Cars	1	59	60	Electronic
New Furlongs	2	12	14	Paper based
Speedline	15	132	147	Electronic
Blueline	0	24	24	Electronic
South Leeds & Hunslet Cars Ltd	3	143	146	Electronic
Ardsley Cars	1	0	1	Paper based
New Yellow Cars	1	0	1	Paper based
Rothwell Line	4	20	24	Electronic
Kirkstall Cars	0	25	25	Paper based
New City Wide	0	0	0	Not Known
L R Lofthouse Cars	1	0	1	Paper based
Ace Cars Leeds Ltd	15	109	124	Not Known
Threesixteen Airport & Exec	1	0	1	Paper based
All Aboard Travel	0	0	0	Not Known
G & M Cars	0	42	42	Electronic
Beeston Line	5	45	50	Not Known
Beeston Line ..2	0	0	0	Not Known
T Line	4	39	43	Electronic
Arrow	17	213	230	Electronic
Arrow LBA	0	0	0	Electronic
Rollinson Safeway Ltd	0	66	66	Electronic
<b>Total:</b>	<b>350</b>	<b>3330</b>	<b>3680</b>	

PHO Conditions Consultation: Email Responses

Response From:	Response Details:	Officer Response:	Change to policy:
Licensing Officer	<p><b>8 SPECIFIED DRIVERS</b></p> <p>The operator shall notify the Licensing Authority of each and every private hire driver employed or used by the operator in his Operator Driver Schedule (Form OPDS). Where an operator ceases to employ or use any licensed private hire driver, the operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The private hire driver licence must be returned to the driver.</p> <p><b>13 LOST PROPERTY</b></p> <p>All property carried or articles of any description left by any person booking or waiting for a private hire vehicle at the address from which business is conducted shall forthwith, and in any event not later than 72 hours, be delivered to:</p> <p>The Taxi and Private Hire Licensing</p>		<p>Training proposal in report</p> <p>Change proposal in report.</p>

### Appendix 3

	<p>Section</p> <p>225 York Road Leeds LS9 7RY.</p> <p>This should be given to the local police station and not us.</p>		
Licensing Officer	<p>Passengers make their bookings through the operators, and the operators pass the details of the bookings on to the drivers. Operators should be obliged in the conditions of holding an operators licence to give drivers enough detail about the passenger to enable the driver to pick up the correct passenger. The driver <b>must be told the name and destination of the passenger</b>, as well as their location.</p> <p>Private Hire drivers need to be given this information a) in order to avoid being in breach of their licence conditions (plying for hire) and b) for their own safety.</p> <p>Drivers with experience of the trade raise this issue in the PH training seminar as a matter of concern. We insist that drivers ask 3 questions when confirming their booking with the passenger: 1) which operator did you book with?; 2) what is your name?; 3)</p>		



### Appendix 3

	<p>what is your destination?. Operators must give the drivers sufficient information to check the answers to questions 2 and 3 in order to confirm that they are picking up the correct passenger. It appears that the operators may fail to do this.</p> <p>I would like to repeat:</p> <ul style="list-style-type: none"> <li>• all operator licence holders should attend and pass all current PH training and tests</li> </ul> <p>plus operators should</p> <ul style="list-style-type: none"> <li>• Provide clear written H&amp;S guidance for their drivers</li> <li>• Establish clear lines of communication with drivers and pass down information from the Council – eg about the extra day customer care additional training. No operator seems to have passed this info down to the new applicants</li> <li>• Be informed when their drivers are in breach of their conditions. A record should be kept of drivers who breach conditions and which base they work at, and this information</li> </ul>		<p>Training proposal in report.</p> <p>Proposal in report.</p> <p>Proposal in report.</p>
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### Appendix 3

	<p>should be easily accessible.</p> <ul style="list-style-type: none"> <li>• Pay a licence fee proportionate to the vehicles operating from their base</li> <li>• Be encouraged to behave responsibly to drivers; not take on more drivers than the base can support</li> <li>• Be committed to the Equality Act</li> <li>• Support PH driver and vehicle conditions</li> <li>• Let only Leeds licensed PH drivers work from their base</li> </ul> <p>At the moment, there seems to be a lot of bad practice, judging from discussions at PH seminars. Certain operators seem to tell drivers they can wait at a particular venue without a booking, others accept bookings from known 'runners' and tell the driver to ask for the fare up front. Some keep inadequate booking records, cover for drivers with poor accident records, discriminate against drivers on ethnic grounds, have no commitment to disabled passengers, etc. It might be argued that market forces take care of such things, but they don't. Operators seem to be able simply to collect rent and have very little responsibility</p>	<p>Not enforceable in law.</p>	<p>Proposal in report.</p> <p>Proposal in report.</p> <p>Proposal in report.</p>
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## Appendix 3

	<p>towards people working from their base and to the passengers.</p> <p>We should be keeping an eye on operators as well as on drivers. If operators had more responsibility and tighter conditions, it would be fairer all round for the trade.</p>		
Euro Cabs	<p><b>PRIVATE HIRE OPERATOR CONDITIONS:-</b>  <b><u>1 PLANNING</u></b></p> <p><b>PLANNING DEPARTMENTS</b> – The Planning application when approved MUST include the maximum number of vehicles that can be operated from that base. The attached conditions must be similar as attached to any other business e.g. Fast food, Night Club or any other Licenced business and include things such as noise pollution, obstructions caused by illegal parking i.e. parking in places other than their designated parking space. Officers should have regular contact with the Licensing Committee, VLE Officers and trade members from both Hackney Carriage and Private</p>	Referred to in report.	

	<p>Hire. There should be clear consequences for any breach of these conditions ranging from fines to temporary suspension and Revocation of the Planning Consent for serious or continuous breaches of the conditions</p> <p><b>MAXIMUM VEHICLES</b> - The maximum amount of vehicles that can be operated from any PH office should be clearly stated on the planning approval. The number of vehicles registered to any Private Hire Operator then cannot exceed the number stated on the PHO License. This number would be controlled by the VLE department and any operator would not be allowed to register new vehicles to operate from their base when the maximum number has been reached, any new applicant would have to find a different Private Hire Company to work for. Private Hire operators would be allowed to increase their vehicle numbers when extra parking spaces have been approved by the planning department.</p> <p><b>APPLICATION TO INCREASE</b></p>	<p>Referred to in report.</p>	
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	<p><b>NUMBER OF VEHICLES</b> – The Operator can apply to increase the number of vehicles operating from their base by submitting an application to the planning department. The approval would depend on three conditions:-</p> <ol style="list-style-type: none"> <li>1) Attaching proof/application for further parking spaces which has/ or is approved by the planning department</li> <li>2) A business case whereby the company has a significant increase in their business thus requiring more vehicles. The proof must be document proof i.e. record of bookings or copy of contract approval with a major company, along with a clearance from VLE that there has not been any complaints about the company and its drivers that have resulted in illegal parking or plying for hire offences and subsequent suspension or revocation of drivers and or vehicle licences since the approval of the initial planning application. The application will include any</li> </ol>	<p>Referred to in report.</p>	
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	<p>breaches of attached conditions like litter or noise pollution complaints in and around the base office.</p> <p>3) The Operator and the business have not been involved in any illegal or criminal activity and meet the "Fit and Proper Person" criteria.</p> <p><b>THE INCREASE IN NUMBER OF VEHICLES SHOULD ONLY BE ALLOWED IF ALL CONDITIONS HAVE BEEN MET.</b></p> <p><b><u>PRIVATE HIRE OPERATOR PROPOSALS</u></b></p> <p>All Private Hire Operator's should be made accountable for their actions and the actions of their drivers and this can only be achieved by allowing a managed growth of the good operators and financial penalties for the offenders and suspension or revocation of Operators Licence for serious or repeat offenders.</p> <p><b>THE NUMBER OF VEHICLES</b> - that can operate from a base must be linked to the amount of parking</p>	<p>Generally agreed and there are training proposals in the report but when a PHD's not working, PHO's cannot be accountable.</p> <p>Refer to earlier responses.</p>	
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	<p>spaces available and approved by the planning department to the above conditions listed under planning proposals. For a new company, they must operate for at least one year to the initial conditions and can only apply to increase the number of vehicles at end the first year. This should only be allowed if no complaints of licensing or operating conditions or planning conditions have been received. The Local Government (Miscellaneous Provisions) Act 1976 Section 48 does state that Licensing authorities cannot limit the number of licences issued but if an operator has reached the maximum number available to operate from their office then the new applicant or a Private Hire vehicle wanting to operate from that base will be asked to find another base to work for or from.</p> <p><b>THIS NUMBER OF VEHICLES OPERATING FROM A BASE</b> - can only be increased if further parking spaces are approved by the planning department or the company has</p>	<p>Refer to previous responses and body of report.</p>	
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	<p>operated within their planning and operating conditions and can present a case of increase in business. Any vehicle then in breach of parking at other than their designated place or guilty of plying for hire, the Private Hire Operator then would not be allowed to replace that vehicle or vehicles to compensate his/her loss and also would not be allowed to apply for an increase in the number of vehicles for at least one year after the expiry of the licence during which the offence was committed. The increase then will be conditional on providing extra parking spaces that have been approved by the planning department.</p> <p><b>THE CONDUCT OF THE PRIVATE HIRE OPERATOR</b> - and its management team or staff must also be taken into consideration when approving any increases in number of vehicles allowed to operate from or for that company. The conduct must include the “Fit and Proper Person” criteria as well as any other Licensing breaches, e.g. illegal type or forms of</p>	<p>This is not possible within the Local Government (Miscellaneous Provisions) Act 1976.</p>	
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	<p>advertising, like use of word Taxi to advertise or promote their business, Touting for business, not effectively or professionally dealing with complaints from other companies or members of public must apply to <b>ALL COMPANIES</b> and not a select few.</p> <p><b>FOR EXISTING SMALL AND LARGE OPERATORS</b> - Their existing number of vehicles will be regarded as the maximum number allowed to operate from their base. They will not be allowed to replace any vehicle or driver that has been suspended or had their licence revoked. The previously proposed criteria for managed growth will apply and no increases in number of vehicles will be allowed if offences which have led to the suspension or revocation of a licence or conduct of the management or staff of a company have been in breach of Licensing Acts/Conditions.</p> <p><b>SATTELLITE PARKING</b> – It has plainly been made clear in case laws namely, <b>CHORLEY BOROUGH COUNCIL v THOMAS</b> and <b>COGLEY v</b></p>	<p>Refer to earlier responses.</p>	
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	<p>SHERWOOD that any vehicle parked in a place where it can be viewed by members of public is deemed to be plying for hire. Therefore all Private Hire vehicles <b>MUST</b> return back to their designated off street parking place and any vehicle seen not to be parking in their designated parking place should be suspended, for a fixed period and this suspension should be on a rising scale and ending on revocation of the Licence for continuous offenders. The Private Hire Company who the driver is working for should not be able to replace another vehicle to cover for the suspended vehicle during this period. Where vehicle license has had its licence revoked then no new vehicle will be allowed to register to work for that company to compensate for this vehicle</p> <p><b>PLYING FOR HIRE</b> – Any Private Hire Operator will not be able to replace any vehicle that has been suspended or revoked for plying for hire.</p>	<p>Considered to be unlawful – restriction of trade.</p>	
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	<p><b>ANY OTHER REASONS</b> – Any Operator, driver or vehicle that has been found to be involved any illegal activity where the Operator has had direct or indirect involvement or it was within their powers to control their or the activities of the driver/s and has led to the suspension or revocation of the drivers the Private Hire Operator cannot replace the suspended or revoked vehicle. The Planning consent would be cancelled if the Operator is has been involved in any illegal activity as they would not then be “a fit and proper person” to hold a Private Hire Operators Licence.</p>	<p>Considered to be unlawful – restriction of trade.</p>	
<p>Licensed driver</p>	<p>Operators license Currently operators do not have enough provision for parking vehicles. Fleets as big as 500 have parking only for 50 vehicles. As drivers we have to park vehicles on streets and the satellite parking is normally non existent . Operators are business men who are after profits they take on more vehicles then required and then the drivers get tickets for parking in city centre and other places where they are not supposed to park .</p>	<p>Refer to previous responses.</p>	

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	<p>Planning should look into this matter and maybe apply a congestion charge if the operators haven't got sufficient on site parking or satellite parking. Satellite parking is a gimmick to get around planning issues. Every 2 to 3 years planning should get involved when the operators license is up for renewal. Planning department should be informed of number of vehicles being operated by an operator every year and the operators license fee should be set accordingly.</p> <p>All vehicles should have stickers displaying if you haven't booked the vehicle you are not allowed to travel and you are not insured .</p> <p>Any vehicle/ driver who is caught plying fir hire the operator should also get a fine as well this will automatically make the operator more vigilant about who he is taking on and it would get rid of a lot of cowboy operators and badge holders. The operator could take a deposit of whatever the fine the council will set upfront from the driver when they join that operators fleet.</p> <p>Also if vehicles are constantly caught plying for hire from a particular firm or causing undue congestion their planning and operators license should be reviewed and penalties handed out</p>		
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	<p>as appropriate. The operator should invest in parking if it has major work in areas other than where it's base is or where he does not have satellite parking facilities. The Leeds city centre should be a non waiting area unless the operator is paying a congestion charge or has it's own designated off street parking.</p>		
<p>Unite the Union – Leeds Hackney Drivers Branch 302/3</p>	<p><u>Private Hire Operators Conditions.</u>-</p> <p>Unite believes that the conditions in place currently are set to a minimum level or both responsibility and accountability.</p> <p>Responsibility where drivers still do not maintain lawfulness by applying the conditions set down by LCC and those to which they are supposed to operate under of the LGMP 76.</p> <p>Accountability where operators are freely and without regard for public safety, allowing their drivers to roam streets looking for work as they cannot manifest such work to potentially cover the numbers of vehicles in their fleet. Additionally, that there is no move from operators to comply with the condition of item 4. In the local set</p>	<p>Refer to previous responses and body of the report.</p>	

	<p>conditions of <i>“During the currency of the licence, the operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated”</i>.</p> <p>Various other issues become known on review of these conditions and where quoted for specific reason, the addition of improvement garnered from other sources as mentioned will be noted in bold italics.</p> <p>Condition 2: Operator Licence.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ Reference to an office or ‘base’ or ‘business premises’ as is more commonly known should now have an addition to read as <i>‘operating centre’</i> as defined in <i>PVH(L) 98 C 34. Sec 1 (5) – ‘In this Act “operating centre” means premises at which private hire bookings are accepted by an operator’</i>.</li> <li>➤ Unite believes the following</li> </ul>		
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	<p>should be additional to LCC conditions as laid down in PHV(L) 98 C 43. Sec 15 (3(a,c,d,e,f)).</p> <p>➤ Unite also believe in the introduction of a culpability test based on a totting up scheme for operators who allow their drivers to flout the law . This would have to be looked at in greater detail, but such a scheme could be “ <i>where an operator knowingly allows their drivers to roam and ply for hire without or with their express consent, should be applied the ‘fit and proper’ test and equally for every driver found to be in non-compliance with those conditions, the operator should be penalised by either the removal of that vehicle for the period of 1 week or by means of a fixed penalty notice payable by the licensed operator themselves, at a rate to be determined on a scale, dependent on the frequency of the drivers in that operating centre being accountable and being caught breaking the law by either enforcement officers,</i></p>	<p>Please refer to body of the report regarding legality and earlier responses.</p>	
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	<p><i>Police officers or Parking enforcement officers". This would serve to put tighter regulation on drivers and operators with greater accountability held on the operator individually.</i></p> <p>Condition 3: Place of Business.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ Reference to paragraph 1: an addition to this paragraph should now include <i>'The holder of a Leeds PHV operator's licence shall not in Leeds accept a private hire booking other than at an operating centre specified in his licence'</i> – amended wording from PHV(L) 98 C 34. Sec 4 (1)</li> <li>➤ Reference to paragraph 1: Unite firmly believes that the last sentence of this condition could and should be applied to Leeds Bradford Airport and the Private Hire working within</li> </ul>		
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	<p>such vicinity of such condition being given that the operating land is tendered, owned privately and is operated by one sole business. Where such condition is in place, enforcement should apply to the operator to remove such vehicles from the vicinity.</p> <ul style="list-style-type: none"> <li>➤ Unite believes the addition of the following should be applied. <i>'If a Leeds PHV operator ceases to use an operating centre specified in his licence, he shall preserve any record he was required by this section to keep there for such period as may be prescribed' – amended wording from PHV(L) 98 C 34. Sec 4 (4)</i></li> </ul> <p>Condition 4: Off Street Parking.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ Unite fully believe and wholly support the obligation of a Private Hire Operator to</li> </ul>	<p>Largely dealt with in report.</p>	
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	<p>demonstrate their culpability in providing an equal number of 'off-street' parking spaces as defined in paragraph 1, but should also be commensurate of their number of vehicles operating in entirety and not operationally within any given eight hour period as laid down by the European Working Time Directive, which is not applicable to Taxi or Private Hire drivers in the UK currently.</p> <ul style="list-style-type: none"> <li>➤ Unite believe that any application or renewal should not obviate such evidence at such time. It should be made clear that in the presence of a lack of evidence to support such, then LCC should make it perfectly clear that no licence will be granted or renewed. It should be made clear that a Hackney Operating licence does not fall into this arena as a Hackney Carriage does not carry out it's sole place of business from the operating office to which it may be sited.</li> <li>➤ Unite fully agree with paragraph 2, but believe there should be the inclusion into the</li> </ul>	<p>Unsure what this means but refer to existing application process on the internet and the report when published.</p>	
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	<p>conditions and wording to such extent of: <i>'it must be shown at renewal or application, the agreement, which is in place or in force at such time to allow said number of vehicles operating under such licence, to use the aforesaid land or premises as agreed between the operator and the owner of such land or premises'</i>.</p> <p>➤ Unite must make aware the legal ruling currently in place, which was a directive from the Royal Courts of Justice in 2000, by the sitting Judges, Mr Justice Bell and Mr Justice Pill, under the specified 'Eastbourne Ruling', which is in specific in its outline as to the view ability of Private hire Vehicles in a public or private place. Such wording is <i>'No Private Hire vehicle must be allowed to stop or wait on any land both public or private so as to give the travelling public the impression that they are immediately for Hire and Reward'</i>. On this basis, Unite feels very strongly that this must be included into the new conditions by LCC and</p>	<p>See earlier response.</p> <p>Members will receive informed legal advice in the final report.</p>	
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	<p>be made abundantly clear to operators, having first applied for a license for such operational activities and commensurate parking.</p> <p>Condition 5: Acceptance of Bookings.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ Unite firmly believes that each operator should be solely culpable for their own drivers carrying out specific work which has been made clear to them by customers wishing to use their service. Under no circumstances should any operator be allowed to 'Baton Pass' specific jobs to sub-contracted companies. This causes confusion to the end user and removes all accountability from the originator operator. The conditions should reflect this belief and Unite would fully support this as a new additional</li> </ul>	<p>Proposal in conflict with existing legislation.</p>	
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	<p>condition.</p> <ul style="list-style-type: none"> <li>➤ <i>“A Private Hire vehicle must be associated with a licensed private hire operator and may only be used on private hire bookings accepted by that licensed operator” – Applied by LVCC Sec 3 (c)</i></li> </ul> <p>Condition 6: Record of Bookings.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ Unite believes that there is potential for additional scope in paragraph 2 in so far as, <i>‘where a licence is obtained for an operating centre, then given that the licence for such operating centre may be on a temporary basis, the main licence attributable to the main owner/s should carry the proviso that such records must be retained at that initial main licence operational office for a period of no less than 12 months’.</i></li> </ul>	<p>Members will receive informed legal advice.</p>	
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	<p>Condition 7: Specified Vehicles.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ Unite believe that there is a distinction flaw within the conditions currently set down by LCC, which currently flies in the idea of the LGMP 76 Sec 48 (A(ii)) and that of PHV(L) 98 C 34. Sec 7 (2/iii) in so far as: <i>“is not of such design and appearance as would lead any person to believe that the vehicle is a licensed Hackney Carriage/London cab”</i>. Unite firmly believe that currently where vehicles are operating in Leeds, where there are clear definite similarities between both those of the Hackney carriage fleet, that this practice should be removed and made abundantly clear to the operators via the conditions. Irrespective of numbers, the suggestion that a vehicle of the</li> </ul>	<p>In effect this would remove the majority of wheelchair accessible vehicles in the PH fleet.</p>	
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	<p>same design and appearance can be permissible for use as a private hire is bewildering. Newcastle City Council Licensing Authority currently applies a wholly black fleet to its hackney carriages and that of many others including Hull City Council and Liverpool to mention but three. There is a breakdown of similarities in the use of such vehicle though. Liverpool does not allow such vehicles in Private Hire, nor too do Hull or Newcastle. Where private hire vehicles are used and are of construction for wheelchair accessibility in these cities, they must not be the same colour, appearance or design. This must be addressed by LCC with immediate effect in both conditions set down to operators and drivers and in a direct change in licensing policy by LCC.</p> <ul style="list-style-type: none"> <li>➤ Unite believes there are key significant omissions from the list of conditions which should be added and should be maintained by drivers and</li> </ul>	<p>The issue of all black HCV's was discussed at a recent HC forum and overwhelmingly rejected.</p>	
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	<p>operators alike. They are:</p> <ul style="list-style-type: none"> <li>➤ (A) <i>Fitted with a minimum of four doors and four/five wheels – Applied by LVCC Sec 2 (a).</i></li> <li>➤ (B) <i>Constructed to carry at least four passengers and not more than eight passengers, in addition to the driver. Where passenger seating is comprised of bench seats, a complete length of 406 mm (162) measured in a straight line along the front of the seat, must be allowed for each passenger – Applied by LVCC Sec 2 (c).</i></li> <li>➤ (C) <i>Equipped with an efficient fire extinguisher of one of the following type, mounted in such position as to be readily available for use: (1) Halon, (2) Carbon Dioxide 2.5kg, (3) Dry powder 3kg – Applied by LVCC Sec 2 (e)</i></li> <li>➤ (D) <i>Carry a spare wheel, capable of use on either axle, with at least the minimum legal depth of tread, a wheel nut spanner and jack – Applied by LVCC Sec 2 (f)</i></li> <li>➤ (E) <i>The door windows must be constructed so that they can easily be raised or lowered by</i></li> </ul>	<p>This consultation is aimed at PHO's. This information relates to PHV's which was the subject of Member approval earlier in the year.</p>	
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	<p><i>the hirer and all windows must be etched with the registration number of the vehicle – Applied by LVCC Sec 2 (g)</i></p> <p>Condition 8: Specified Drivers.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ In addition to paragraph 2, Unite believes that the following wording should be added to such paragraph: <i>“Each operator will retain at the operating centre address, from which the licence is applied and to which business is conducted, the Private Hire Drivers Licence and or Hackney Carriage Driver and vehicle licence employed or used by that operator and operating centre”</i>.</li> <li>➤ In addition to paragraph 4, Unite believes that the following wording should be added to such paragraph: <i>“Every Private Hire Driver Licence or Hackney Carriage Driver Licence should</i></li> </ul>	<p>?</p>	
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	<p><i>be retained by the operator and must display the trade name or operating centre name and operating licence number relating to his licence”</i></p> <p>Condition 9: Radio Equipment.-</p> <p>Unite agree with this licensing condition.</p> <p>Condition 10: Advertising.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ Unite believe there is scope for additional text to be applied in this section as prescribed in <i>PHV(L) 98 C 34. Sec 31 (2(a,b))</i>.</li> <li>➤ Unite also believes that in no circumstances should corporate advertising be allowed onto any Private Hire vehicles and that this should also form part of the conditions list.</li> <li>➤ Unite also believes that under</li> </ul>	<p>Please refer to existing PHV conditions.</p>	
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	<p>no circumstances should Private Hire vehicles be allowed to carry advertising such as roof signs as this is believed to be a clear definitive between Hackney Carriage and that this should also be entered into the licensing conditions list. As defined in <i>LVCC Hackney Carriage and Private Hire Compliance Testing Standards 2011</i> – “it is hereby expressly stated all other signs are expressly prohibited, including roof signs, any other illuminated or fluorescent signs or any sign, which consists of or includes the word “TAXI” OR “CAB”.</p> <ul style="list-style-type: none"> <li>➤ Unite believes that where a meter is fitted to such private hire vehicle, it should in no way carry any signage as to mislead the passenger into thinking that it is either a Taxi-Meter or that it is in fact controlled or fares set by LCC. Under this proviso, Unite believes that the best way to move on this issue is that all private hire vehicles must have their meters removed and fall in line with</li> </ul>	<p>Please refer to relevant legislation.</p>	
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	<p><i>PHV(L) 98 C 34. Sec 11 (1)</i> and have amended wording as such, <i>“No vehicle to which a Leeds PHV licence relates shall be equipped with a taximeter”</i>. This would serve to completely distinguish between a Hackney carriage and Private Hire. Reference to a Meter is defined in <i>TPCA 47</i>, which relates to Hackney Carriages ONLY.</p> <p>Condition 11: Standards of Service.-</p> <p>Unite agree with this licensing condition.</p> <p>Condition 12: Guide Dogs.-</p> <p>Unite fully agree with this section in principal. However, there is specific room for improvement with amendments and or additions as such:</p> <ul style="list-style-type: none"> <li>➤ Unite believes there should be an addition to the singular paragraph as such reworded: <i>“Every proprietor of a licensed Private Hire or Hackney Carriage thus working and operating with the operator of a</i></li> </ul>	<p>Primary legislation and existing PHD Conditions apply.</p>	
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	<p><i>licensed Private Hire Operating centre under their licence, should ensure that guide dogs are carried within the passenger compartment of the vehicle requested without question”.</i></p> <p>Condition 13,14,15 &amp; 16.-</p> <p>Unite agree with these sections and do not wish to add any further comments</p>		
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