

**Report of**    **Head of Licensing and Registration**

**Report to**    **Licensing Committee**

**Date:**        **4 August 2015**

**Subject:**    **Activity Update: Taxi and Private Hire Licensing 1<sup>st</sup> January to 30 June 2015**

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

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### **Summary of main issues**

- 1 This report updates the previous statistical information that was provided to Members in February 2015 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing.
- 2 This report contains information on decisions taken from 1<sup>st</sup> January to 30 June 2015.

### **Recommendations**

3. That Members note the information in this report.

## **1 Purpose of this report**

- 1.1 Members requested that further update reports regarding delegated decisions taken by officers be produced and submitted to the Licensing Committee on a six monthly basis.

## **2 Background information**

- 2.1 The report in February 2015 gave information on delegated decisions taken from 1<sup>st</sup> July to 31<sup>st</sup> December 2014.
- 2.2 Information on delegated decisions taken in the last six months of 2014 has been reproduced for comparison purposes.
- 2.3 All decisions taken are done so with regard to council policy, conditions and application criteria approved by Licensing Committee. A full list is available under Background Documents.

## **3 Main issues**

### 3.1 Number of Licences

- 3.1.1 Leeds currently has the following number of licences in place: -

- 998 Hackney Carriage Drivers
- 535 Hackney Carriage Vehicles
- 4901 Private Hire Drivers
- 3945 Private Hire Vehicles
- 71 Private Hire Operators

### 3.2 Number of Decisions Taken

- 3.2.2 The application, renewal, refusal, suspension and revocation of licence figures for the last six months of 2014 and 1<sup>st</sup> January to 30<sup>th</sup> June 2015 are set out in the table below.

	Applications	Refusals	Suspensions	Revocations
Jul - Dec	342	4	53	8
Jan – Jun	336	2	53	11

- 3.2.3 When considering the above information it is important to note that there is no direct correlation between the number of suspensions and revocations in any six month period. For example, the number of licences revoked in the last six

months will include a proportion which were suspended in the previous six months.

### 3.3 Refusal and Revocation Decisions taken 1<sup>st</sup> January – 30<sup>th</sup> June 2015

3.3.1 Between 1<sup>st</sup> January – 30<sup>th</sup> June 2015, 2 licences were refused and 11 licences were revoked. The reasons for refusal and revocation are set out in the table below.

Categories of Allegations	Refusals		Revocations	
	Jul - Dec	Jan - Jun	Jul - Dec	Jan - Jun
Dishonesty	1	1	1	
Drugs	3		1	2
Violence				1
Sexual	1	1	1	2
Driving disqualification	1			
Plying for hire			5	3
Inappropriate conduct			1	2
Medical				1
<b>TOTAL</b>	<b>6</b>	<b>2</b>	<b>9</b>	<b>11</b>

3.3.2 In relation to suspensions, 44 drivers have been suspended between 1<sup>st</sup> January – 30<sup>th</sup> June 2015. The reasons for suspensions are set out in the table below.

Reason for suspension (allegations)	Jul – Dec	Jan - Jun
Dishonesty	2	0
Drug offence	1	5
Violent offence	1	1
Sexual offence	5	7
Safeguarding concerns	0	6
Motoring offence	6	0
Driving disqualification	4	2
Plying for Hire	7	1
Inappropriate behaviour	1	2
No right to work in UK	2	3
Medical reason	12	17
DVLA licence expired	2	0
<b>Total</b>	<b>43</b>	<b>44</b>

3.3.3 Members will note that the largest category of suspensions relate to a medical reason i.e. licence holders are unable to meet the Group II standard. This illustrates the point that there are few cases which turn solely on the exercise of

discretion. Members will also note the number of suspensions relating to allegations of a sexual nature which directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

### 3.4 Complaints Received 1<sup>st</sup> January – 30<sup>th</sup> June 2015

3.4.1 To date, 225 public complaints have been received in 2015. The complaint categories are set out in the table below.

<b>Complaint Category</b>		<b>Jul - Dec</b>	<b>Jan - Jun</b>
Driver behaviour	Rudeness/Verbal Abuse	4	15
	Driver Conduct	22	28
	Property	1	2
	Disability	12	12
	Over charging	13	17
	Standard of driving	90	68
	Inappropriate Sexual behaviour	5	7
	Lateness	2	1
	Smoking	5	1
	Race Discrimination	1	0
	Refuse to carry	7	3
	Sex Discrimination	0	1
Environmental	Parking nuisance	37	25
	Noise nuisance	7	1
No Insurance		1	1
Plying for hire		20	7
Breach of licensing conditions		12	15
Criminal complaint		5	2
Defective vehicle		7	2
Operator		16	16
Unlicensed vehicle		2	0
Unlicensed driver		0	1
<b>Total</b>		<b>270</b>	<b>225</b>

3.4.2 Complaints regarding the standard of driving most commonly relate to the use of mobile phones whilst driving and speeding. In the majority of cases, licensed drivers are given verbal warnings, a record of which is placed on their licensing file.

3.4.3 Following presentation of the July – December 2014 report, (February 2015), Members asked for more clarity around the term 'Inappropriate Behaviour' in the complaints category tables. Members wanted to be able to more readily identify issues that might have Safeguarding concerns. Accordingly, the figures contained in the table at 3.4.1 have been rationalised to enable a comparison between the table of July – Dec 2014 and the first six months of this year. (This

will of course now create an apparent disparity between those two tables for 2014 and 2015 if Members look back to the old report). However, Members can now see the clear distinctions between inappropriate behaviour of a sexual nature and unprofessional conduct or service delivery.

Officers are only reporting the briefest of details around the allegations to ensure there are no conflicts with Police investigations, reporting restrictions or appeals processes and to maintain anonymity of all parties concerned.

3.4.4 Each complaint is dealt with on its own merits however complaints regarding racial, sexual or disability discrimination directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

3.5 Appeals Received 1<sup>st</sup> January – 30<sup>th</sup> June 2015

3.5.1 To date 8 appeals have been received in 2015. The reason for the appeal and the outcome are set out below;

<b>July – December 2014 Type of Appeal</b>	<b>Volume</b>	<b>Court</b>	<b>Result</b>
Against refusal to grant	3	LMC	Dismissed x 1
		LMC	Withdrawn x 2
Against revocation	1	LMC	Withdrawn x 1
Against suspension	2	LMC	Withdrawn x 2
<b>Total</b>	<b>6</b>	<b>Dismissed</b>	<b>1</b>
		<b>Withdrawn</b>	<b>5</b>

<b>January – June 2015 Type of Appeal</b>	<b>Volume</b>	<b>Court</b>	<b>Result</b>
Against refusal to grant	1	LMC	Dismissed x 1
Against revocation	0		
Against suspension	7	LMC	Dismissed x 4
		LMC	Withdrawn x 2
		LMC	Upheld x 1

<b>Total</b>	<b>8</b>	<b>Dismissed</b>	<b>5</b>
		<b>Withdrawn</b>	<b>2</b>
		<b>Upheld</b>	<b>1</b>

**4 Corporate Considerations**

**4.1 Consultation and Engagement**

4.1.4 The information contained in this report has not been the subject of consultation with the trade as it is statistical information only.

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

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee which are used to inform decision making. These are available as Background Documents.

## **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:

4.3.4 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 As this is a statistical report there are no resource or value for money issues to consider.

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

4.5.1 As this is a statistical report there are no legal implications or access to information issues to consider. This report is not subject to call in.

#### **4.6 Risk Management**

4.6.2 The decisions taken by officers can be challenged by appeal through the Magistrates' Court and further appeal to the Crown Court.

### **5 Conclusions**

5.1 Those decisions taken by officers have regard to council policy, conditions and criteria approved by Licensing Committee and that every case has been judged proportionately on its own merits.

### **6 Recommendations**

6.1 That Members note the information in this report.

### **7 Background documents**

Taxi and Private Hire Vehicle Licensing: Best Practice Guide – Department for Transport March 2010

Approved Policies: -

- Medical Exemptions
- Plying for Hire

Conditions: -

- Private Hire Driver
- Hackney Carriage Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Operator

Application Criteria: -

- Driving Standards Agency (DSA) Test
- Group II Medical

- English Comprehension
- Convictions Criteria
- Disclosure and Barring Service Vetting
- Local Knowledge Test
- Private Hire Vehicle proprietors inc rental companies
- Executive Private Hire Driver
- Executive Private Hire Vehicle
- Executive Private Hire Operator
- Stretched Limousine Private Hire Driver
- Stretched Limousine Private Hire Vehicle
- Stretched Limousine Private Hire Operator
- Hackney Carriage Proprietor

Equality and Cohesion Screening Documents