

**Report of** Head of Elections, Licensing and Registration

**Report to** Licensing Committee

**Date:** 9 February 2016

**Subject:** Activity Update: Taxi and Private Hire Licensing 1<sup>st</sup> January to 31 December 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

### Summary of main issues

- 1 This report updates the previous statistical information that was provided to Members in August 2015 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing and now includes the period of July – December 2015.
- 2 This report also contains information on decisions and public complaints from 1<sup>st</sup> January to 31 December 2014 as a comparison.

### 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 regular basis.

## **2 Background information**

- 2.1 The report in August 2015 gave information on delegated decisions taken from 1<sup>st</sup> January to 30<sup>th</sup> June 2015.
- 2.2 A request has been made for the previous data produced in the reports of 2014 to be presented again alongside the information relative to licensing decisions and enforcement activity for the whole of 2015.
- 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: -

- 980 Hackney Carriage Drivers
- 537 Hackney Carriage Vehicles
- 5018 Private Hire Drivers
- 4112 Private Hire Vehicles
- 76 Private Hire Operators

- 3.1.2 Members will note there has been a decrease in the number of Private Hire Operators. The probable explanation for this lies behind how the trade views the Deregulation Act, 2015, and a belief that the operating market place needs to be more technically available through smartphones and apps. Some smaller Operating bases may have felt challenges as the market evolves whilst others have viewed the changes as business development opportunities and either mutually merged companies or bought other existing operating businesses to gain a larger stake in the competitive in the industry.

### 3.2 Number of Decisions Taken

3.2.1 The application, renewal, refusal, suspension and revocation of licence figures for 1<sup>st</sup> January to 31<sup>st</sup> December 2014 and 2015 are set out in the table below.

	Applications	Refusals	Suspensions	Revocations
<b>2014</b>	<b>673</b>	<b>8</b>	<b>98</b>	<b>19</b>
<b>2015</b>	<b>731</b>	<b>3</b>	<b>88</b>	<b>22</b>

3.2.2 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 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

3.3.1 Between 1<sup>st</sup> January – 31<sup>st</sup> December 2015, three licences were refused and twenty one licences were revoked.

3.3.2 Between 1<sup>st</sup> January – 31<sup>st</sup> December 2014, ten licences were refused and twenty licences were revoked.

3.3.3 The reasons for refusal and revocation are set out in the table below.

	<b>2014</b>		<b>2015</b>	
	Refusal	Revocation	Refusal	Revocation
Dishonesty	3	3	2	0
Drugs	5	1	0	2
Violence	0	1	0	1
Sexual	1	4	1	2
Driving disqualification	1	2	0	0
Plying for hire	0	8	0	5
Inappropriate conduct	0	1	0	7
Medical	0	0	0	1
No right to work in UK	0	0	0	1
Safeguarding	n/a	n/a	0	2
<b>TOTAL</b>	<b>10</b>	<b>20</b>	<b>3</b>	<b>21</b>

### 3.4 Suspension Decisions

3.4.1 In relation to suspensions, seventy nine drivers were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2015.

3.4.2 Eighty eight drivers were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2014.

3.4.3 The reasons for suspension are set out in the table below.

<b>Reason for suspension (allegations)</b>	<b>2014</b>	<b>2015</b>
Dishonesty	3	1
Drug offence	3	5
Violent offence	2	1
Sexual offence	7	12
Safeguarding concerns	0	8
Motoring offence	6	1
Driving disqualification	9	10
Plying for Hire	25	2
Fail to comply with conditions	3	0
Fail to disclose convictions	1	0
Inappropriate behaviour	2	5
No right to work in UK	3	5
Medical reason	19	23
DVLA licence expired	5	0
Non completion of DBS/ Not attended safeguarding training	0	6
<b>Total</b>	<b>88</b>	<b>79</b>

3.4.4 Members will note that the largest category of suspensions in 2015 relate to a medical reason and plying for hire in 2014. 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.

### 3.5 Complaints Received

3.5.1 In total, 483 public complaints were received in 2015.

3.5.2 In total, 579 public complaints were received in 2014.

3.5.3 The complaint categories are set out in the table below.

<b>Complaint Category</b>		<b>2014</b>	<b>2015</b>
Driver behaviour	Rudeness/Verbal Abuse	18	34
	Driver Conduct	0	57
	Property	2	11
	Disability	17	16
	Over charging	25	37
	Standard of driving	159	158
	Inappropriate behaviour	71	n/a
	Inappropriate Sexual behaviour	n/a	11
	Lateness	3	3
	Smoking	8	3
	Race Discrimination	4	3
	Refuse to carry	9	9
	Sex Discrimination	0	1
Environmental	Parking nuisance	120	41
	Noise nuisance	11	4
	Littering	1	0
No Insurance		1	1
Plying for hire		50	17
Breach of licensing conditions		13	38
Criminal complaint		12	8
Defective vehicle		15	5
Operator		35	24
Unlicensed vehicle		3	1
Unlicensed driver		2	1
<b>Total</b>		<b>579</b>	<b>483</b>

3.5.4 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.

3.5.5 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.

3.5.6 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 were rationalised, this does however create an apparent disparity between those two tables for 2014 and 2015.

### 3.6 Appeals Received

3.6.1 In total, 12 appeals were received in 2015. The reason for the appeal and the outcome are set out below;

<b>2015 Type of Appeal</b>	<b>Volume</b>	<b>Court</b>	<b>Result</b>
Against refusal to grant	<b>1</b>	LMC	Dismissed x 1
Against revocation	<b>1</b>	LMC	Upheld x 1
Against suspension	<b>10</b>	LMC	Dismissed x 4
			Withdrawn x 5
			Upheld x 1*
LCC Appeal against Magistrates Decision	<b>1</b>	Crown	Upheld x 1*
<b>Total</b>	<b>13</b>	<b>Dismissed</b>	<b>5</b>
		<b>Withdrawn</b>	<b>5</b>
		<b>Upheld</b>	<b>3</b>

\*A council appeal to the Crown Court was lodged against this decision. That appeal was successful and the Council was awarded costs.

3.6.2 In total, 25 appeals were received in 2014. The reason for the appeal and the outcome are set out below;

<b>2014 Type of Appeal</b>	<b>Volume</b>	<b>Court</b>	<b>Result</b>
Against refusal to grant	<b>6</b>	LMC	Dismissed x 2
		LMC	Withdrawn x 3
		LMC	Upheld x 1
Against revocation	<b>6</b>	LMC	Dismissed x 1
		LMC	Withdrawn x 5
Against suspension	<b>13</b>	LMC	Dismissed x 5
			Withdrawn x 7
			Upheld x 1
<b>Total</b>	<b>25</b>	<b>Dismissed</b>	<b>8</b>
		<b>Withdrawn</b>	<b>15</b>
		<b>Upheld</b>	<b>2</b>

### 3.7 Changes to Policy

3.7.1 In December 2015, a recommendation regarding a new policy in respect of the 'fit and proper' person assessment for applicants born outside of the EU was approved by the Executive Board.

3.7.2 This policy has now been implemented and is available as a Background Document.

### 3.8 Annual DBS

3.8.1 Executive Board directed that the Section should move to annual online DBS checks for all licence holders. Staff were recruited in August/ September 2015 to carry out this programme of work and reproduced below is the information table as of January 2016. Further information will be presented to Licensing Committee as part of the January to June half yearly decisions report.

#### 3.8.2

<b>As at</b>	<b>Enrolled in update service</b>	<b>DBS application pending</b>
1 <sup>st</sup> November 15 (Actual)	701	1031
1 <sup>st</sup> December 15 (Actual)	799	1394
1 <sup>st</sup> January 16 (Actual)	944	1806
1 <sup>st</sup> February 16 (Estimated.)	1158	2089
1 <sup>st</sup> March 16 (est.)	1474	2260
1 <sup>st</sup> April 16 (est.)	1871	2378
1 <sup>st</sup> May 16 (est.)	2300	2491
1 <sup>st</sup> June 16 (est.)	2672	2661
1 <sup>st</sup> July 16 (est.)	3037	2811
1 <sup>st</sup> August 16 (est.)	3423	2568
1 <sup>st</sup> September 16 (est.)	3829	2162
1 <sup>st</sup> October 16 (est.)	4235	1756
1 <sup>st</sup> November 16 (est.)	4642	1349
1 <sup>st</sup> December 16 (est.)	5130	861
1 <sup>st</sup> January 17 (est.)	5471	520
1 <sup>st</sup> February 17 (est.)	5846	145
1 <sup>st</sup> March 17 (est.)	5991	0

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.3 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
- 'Fit and Proper' person assessment

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