

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

Report to **Licensing Committee**

Date: **5 September 2017**

Subject: **Taxi and Private Hire Enforcement update**

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 Licensing Committee on enforcement activity by Taxi and Private Hire Licensing. It draws attention to the current enforcement priorities of the city centre and night time economy, and outlines the challenges of 'out of town' or 'cross border' operating, which has required the enforcement team to work more closely with the police and neighbouring licensing authorities.
- 2 The report also advises committee members of recent and planned enforcement actions and priorities, including encouraging and responding to feedback and complaints about the hackney carriage and private hire trade, carrying out vehicle inspections and mystery shopping.

Recommendations

- 1 That Members note the information in this report.
- 2 To seek Members' support for and input into the council's taxi and private hire licensing enforcement activity.

1 Purpose of this report

- 1.1 To inform members of Taxi and Private Hire Licensing (TPHL) enforcement priorities, and recent activity.
- 1.2 To advise members of planned enforcement activity.

2 Background information

- 2.1 For laws and local conditions to be effective, they need to be enforced. Under current law, responsibility for enforcement of the taxi and private hire licensing lies with the licensing authority that issued the relevant licence. In particular, licensing authorities have powers to suspend or revoke licences, to refuse to renew them, or to place additional conditions on licences. Licensing authorities can also bring criminal charges against a suspected offender. Where breaches of licensing conditions also constitute offences, the police can also take enforcement action.
- 2.2 Under current law, licensing officers are unable to undertake enforcement against vehicles, drivers and operators licensed in another area, and such 'cross border' operating is a regular occurrence in Leeds, particularly at nights, linked to the large night time economy in the city centre. The long term aim of the Local Government Association (LGA), which represents licensing authorities, is for a national licensing database, and national licensing conditions, which can be enforced, irrespective of where the driver and vehicle are licenced.
- 2.3 The council is providing input to an LGA project, and is also lobbying the minister for Transport for a change in licensing and enforcement law. The council is working closely with neighbouring authorities and with West Yorkshire Police to put in place additional arrangements, which will enable the five West Yorkshire authorities and City of York Council (West Yorkshire & York) to take effective enforcement action against any private hire or taxi vehicle licenced by any of the six authorities.
- 2.4 The TPHL enforcement team currently has the following structure:
 - Operations Manager
 - 2 Principal Enforcement Officers (grade PO1, 1 post currently vacant, although a recruitment exercise is underway)
 - 8 Enforcement Officers (grade SO1, 1 officer is currently on maternity leave, although a recruitment exercise is underway)
- 2.5 The Principal Enforcement Officers and Enforcement Officers work a shift pattern of 4 days and 5 nights per fortnight. Each night shift starts between 5:30pm to 8.00pm and ends between 2.00am and 4.30am, this increase takes into consideration the night time economy, and the need for officers to work later on a weekend. The posts are quite specialist in nature, requiring a qualification in vehicle inspection or testing, as well as experience in relevant regulation and legislation. TPHL has found it quite challenging to recruit effectively to fill posts where there is a requirement for candidates to be qualified in vehicle inspection and have a knowledge of relevant regulations and legislation, and this has also affected the ability of the service to recruit to the Vehicle Examiner role.

3 Main issues

Enforcement priorities

- 3.1 The detection of plying for hire and touting offences continues to be a priority for TPHL enforcement. With the increase of “out of town / cross border” vehicles, this heightens the concerns in detecting such offences and reducing the risk for the travelling public in Leeds. In 2017, more than 200 vehicles have been checked for plying for hire, using mystery shoppers in detecting such offences, and will be continuing for the rest of this year. In around 10% of those cases, the driver accepted the fare without a booking, and the team is reviewing the evidence to consider prosecution of 19 cases.
- 3.2 There has been a steady increase over the last few months of “out of town / cross border” vehicles operating in Leeds. To ensure compliance with the local conditions for which the vehicle and driver are licensed, Enforcement Officers are planning to undertake joint training with the West Yorkshire & York authorities, to agree a memorandum of understanding, and to provide appropriate badges and vehicle rectification notices to support routine inspections on these vehicles. As an interim measure, the enforcement team has been working closely with West Yorkshire Police on operations where the Police have the relevant authority to stop and inspect such vehicles.
- 3.3 A database of over 500 “out of town / cross border” vehicle observations has been established jointly by officers from TPHL and the Trade. This database is being used in the TPHL CCTV vehicle’s number plate recognition (ANPR) system and is being closely monitored. Information of “out of town / cross border” vehicle movements can be referred to the appropriate licensing authority.
- 3.4 Some of the enforcement activity relates to incidents which have been initially referred to West Yorkshire Police, and drivers are sometimes suspended until the Police investigation has been completed and information disclosed to the council. There has been a slowdown of information supplied to the team from other agencies, including West Yorkshire Police, mainly on disclosure issues. However, safeguarding cases are still being reported, and are being dealt with under the council’s safeguarding policies. To address the disclosure issues, TPHL is working more closely with Police colleagues in Safer Leeds to improve information sharing and disclosure arrangements.
- 3.5 The council promotes good taxi awareness in the city, such as on its web page <http://www.leeds.gov.uk/residents/Pages/are-you-taxi-aware.aspx>, a screenshot is provided at the end of this report, and a link will be demonstrated on the screen in the Licensing Committee meeting. Over the first seven months of 2017, the team has received 401 complaints about the trade, which have been dealt with by officers from the enforcement team. This is an increase on the number of complaints in 2016, and continues a trend of a 10% or higher increase each year.
- 3.6 The team moved to a new complaints recording system, allowing monitoring of trends and better analytical reports can be established. Complaints can also be

easily linked to the driver's or operator's record to ensure that any continued non-compliance can be better monitored and any appropriate action can be taken.

Recent enforcement activity

- 3.7 Over the first half of 2017, 660 compliance inspections have been undertaken on vehicles licensed by this authority resulting in:
- 51 Vehicle Suspensions (issues for defects or breaches in condition).
 - 39 Vehicle Rectifications (issues for defects not of a serious nature).
 - 44 Pass and Advisory notices (issues for minor non-compliance matters).
- 3.8 Officers have also undertaken around 100 voluntary compliance inspection on "out of town / cross border" vehicles, and any breaches in local conditions have been reported back to the licensing authority in which the vehicle is licensed.
- 3.9 With the increase in "out of town / cross border" licensed vehicles working within the Leeds area, enforcement officers from Kirklees, Calderdale, Bradford and Rossendale have worked in Leeds to assist TPHL officers on vehicle /driver compliance inspections and plying for hire operations. This has resulted in a number of plying for hire offences being identified, and more submissions have been made for consideration of prosecution during the first seven months of 2017 than in the whole of 2016.
- 3.10 To assist in the detection of plying for hire offences, officers from TPHL have been utilising the CCTV control room contained within the licensing sections offices. If vehicles have been observed and evidence has been obtained suggesting that the driver has plied for hire, submissions have also been made for consideration of prosecution.
- 3.11 Joint working with the Guide Dogs for the Blind at the beginning of the year a telephone test purchase operation was undertaken with a sample of licensed operators to ensure compliance with the Equalities Act 2010. This ensured that any member of the public travelling with a guide dog wishing to obtain the services of licensed vehicles for transportation are not discriminated against. However, passengers requiring wheelchair accessible vehicles, still regularly report unreliable service, and so TPHL will continue a focus on accessibility for guide dogs, assistance dogs and wheelchair users.
- 3.12 Purple Flag - both TPHL management and enforcement officers have been working closely with Leeds BID by continuing to develop in its priorities with the night time economy report on purple flag.

Planned enforcement activity

- 3.13 The enforcement team is supporting various long term and ad hoc operations with other agencies such as West Yorkshire Police and other authorities. In addition to their normal operations, officers are currently supporting:-

Operation Capital is a City Centre operation looking at the night time economy. This operation runs every Friday and Saturday night and officers from TPHL

conduct their duties looking at compliance issues in the major hot spots in the Leeds City Centre.

Operation Brewlock is a monthly multi agency operation led by North Leeds Policing teams where by a specific areas of concern are identified and officers patrol in the area conducting compliance checks on vehicles and drivers.

Operation Walk Safe is a Police led safety scheme for new students in Leeds. Officers from TPHL will be conducting patrols between Headingley and the city centre corridor undertaking compliance inspections on licensed vehicles.

Headingley Stadium the enforcement team has also been undertaking routine patrols / compliance inspections at various rugby and cricket fixtures. These patrols will continue, and officers have covered the test match as well as other events.

Leeds Festival the enforcement team has also been undertaking routine patrols / compliance inspections at Leeds Festival at Bramham and other key hotspots during the event. Additional enforcement cover was provided on the bank holiday Sunday.

- 3.14 Looking forward, funding has been secured for a twelve month plan for additional support from West Yorkshire Roads Policing Team. This will mean that officers from TPHL and WYP will be working jointly on a Friday and Saturday night in Leeds undertaking enforcement action in two marked police vehicles. This will also assist in Operation Capital. This project is in the initial planning stage, and will be rolled out very shortly.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The service consults and engages regularly with the hackney carriage and private hire trade. The services holds forum meetings three times a year, with the private hire operators and separately with recognised hackney carriage associations/groups, and issues a newsletter three times a year.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality and Cohesion Screening Assessments will be carried out on any changes to training provision.

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; and
- 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; and
- Improving customer satisfaction.

4.3.2 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;
- Safeguarding children and vulnerable adults.

4.3.3 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 The Taxi and Private Hire Licensing service is cost neutral to the Council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licenses.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications arising from these proposals, and they are not subject to call in or publication.

4.6 Risk Management

4.6.2 There are no risk management implications arising from these proposals, and they are not subject to call in or publication.

5 Conclusions

5.1 The council's Taxi and Private Hire Licensing enforcement activity is essential to making sure the law and the council's local conditions are maintained. The

council faces a number of challenges and pressures in providing a visible and effective enforcement function, particularly a busy night time economy and high level of cross-border working.

- 5.2 In recent months, the council has focused on some key areas of risk in the city, with some success. The team has strengthened its focus on plying for hire, through use of mystery shopping and CCTV footage, and continues to encourage feedback from the travelling public.

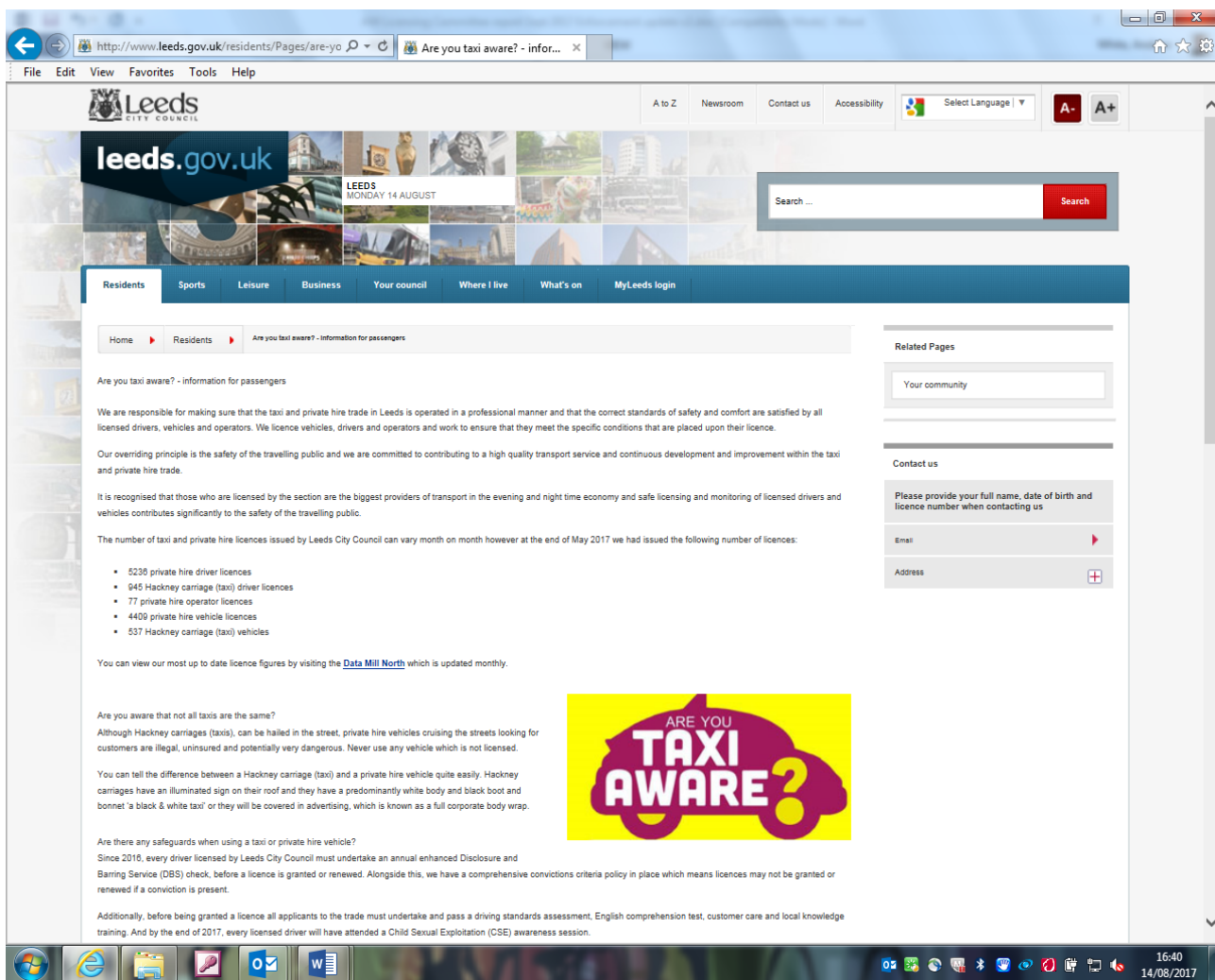
6 **Recommendations**

- 6.1 That members note the information in this report.
- 6.2 To seek Members' support for and input into the council's taxi and private hire licensing enforcement activity.

7 **Background documents**

<http://www.leeds.gov.uk/residents/Pages/are-you-taxi-aware.aspx> screen print

<http://www.leeds.gov.uk/residents/Pages/are-you-taxi-aware.aspx> screen print



The screenshot shows a web browser window displaying the Leeds City Council website. The address bar shows the URL <http://www.leeds.gov.uk/residents/Pages/are-you-taxi-aware.aspx>. The page title is "Are you taxi aware? - information for passengers".

The website header includes the Leeds City Council logo, a search bar, and navigation links: A to Z, Newsroom, Contact us, Accessibility, and a language selector. The main navigation bar includes: Residents, Sports, Leisure, Business, Your council, Where I live, What's on, and MyLeeds login.

The breadcrumb trail shows: Home > Residents > Are you taxi aware? - information for passengers.

The main content area is titled "Are you taxi aware? - information for passengers". It contains the following text:

We are responsible for making sure that the taxi and private hire trade in Leeds is operated in a professional manner and that the correct standards of safety and comfort are satisfied by all licensed drivers, vehicles and operators. We licence vehicles, drivers and operators and work to ensure that they meet the specific conditions that are placed upon their licence.

Our overriding principle is the safety of the travelling public and we are committed to contributing to a high quality transport service and continuous development and improvement within the taxi and private hire trade.

It is recognised that those who are licensed by the section are the biggest providers of transport in the evening and night time economy and safe licensing and monitoring of licensed drivers and vehicles contributes significantly to the safety of the travelling public.

The number of taxi and private hire licences issued by Leeds City Council can vary month on month however at the end of May 2017 we had issued the following number of licences:

- 5230 private hire driver licences
- 945 Hackney carriage (taxi) driver licences
- 77 private hire operator licences
- 4409 private hire vehicle licences
- 537 Hackney carriage (taxi) vehicles

You can view our most up to date licence figures by visiting the [Data Mill North](#) which is updated monthly.

Are you aware that not all taxis are the same?

Although Hackney carriages (taxis), can be hailed in the street, private hire vehicles cruising the streets looking for customers are illegal, uninsured and potentially very dangerous. Never use any vehicle which is not licensed.

You can tell the difference between a Hackney carriage (taxi) and a private hire vehicle quite easily. Hackney carriages have an illuminated sign on their roof and they have a predominantly white body and black boot and bonnet 'a black & white taxi' or they will be covered in advertising, which is known as a full corporate body wrap.

Are there any safeguards when using a taxi or private hire vehicle?

Since 2016, every driver licensed by Leeds City Council must undertake an annual enhanced Disclosure and Barring Service (DBS) check, before a licence is granted or renewed. Alongside this, we have a comprehensive convictions criteria policy in place which means licences may not be granted or renewed if a conviction is present.

Additionally, before being granted a licence all applicants to the trade must undertake and pass a driving standards assessment, English comprehension test, customer care and local knowledge training. And by the end of 2017, every licensed driver will have attended a Child Sexual Exploitation (CSE) awareness session.

On the right side of the page, there is a "Related Pages" section with a link to "Your community". Below that is a "Contact us" section with a form to provide full name, date of birth, and licence number, and fields for email and address.

A large yellow graphic with the text "ARE YOU TAXI AWARE?" is positioned on the right side of the main content area.

How will the fare be calculated and how do I know how much to pay?

To view documents in PDF format you will require the free Adobe Acrobat Reader