

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

**Report to** Licensing Committee

**Date:** 4 October 2017

**Subject:** Taxi and Private Hire – schedule for consultation and review of policies and 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 This report provides for Licensing Committee a schedule for the review and consultation of Taxi and Private Hire Licensing policies and conditions. It draws attention to the likely areas where the council's current policies and conditions may need to be updated.
- 2 The report advises committee members of the likely policies and conditions where the closer working with the West Yorkshire and York authorities may require consultation on 'harmonised' policies or conditions.

## Recommendations

- 1 That Members note the information in this report.
- 2 To seek Members' support for and input into the review and refresh of the council's taxi and private hire policies and conditions.

## 1 Purpose of this report

- 1.1 To inform members of a schedule for the review and consultation of Taxi and Private Hire Licensing policies and conditions.
- 1.2 To highlight to members of the likely areas where the council's current policies and conditions may need to be consulted on and updated in concert with the West Yorkshire and York 'policy harmonisation' activity.

## 2 Background information

- 2.3 Leeds City Council has responsibility for licensing Hackney Carriage vehicles, drivers and proprietors, Private Hire and Executive vehicles, drivers, and operators within the city.
- 2.4 The council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976, which governs the licensing of Private Hire Vehicles, Private Hire Operators and drivers. The adoption of this act also encompasses the adoption of the Town Police Clauses Act 1847, which governs the licensing of Hackney Carriages.
- 2.5 The council's policies and conditions are set and reviewed by the council's Licensing Committee. The council's policies and conditions apply to all drivers, vehicles and operators who hold the relevant licenses issued by the council. The council's Taxi & Private Hire Licensing team are responsible for making decisions relating to the application of the policies and conditions, under the council's scheme of sub-delegation.
- 2.6 The council has a plan to review and consult on each of the specific policies and conditions after either three or five years, to make sure they remain up to date and effective. **Appendix 1** at the end of this report summarises each of the policies and conditions due for review and consultation.

## 3 Main issues

- 3.1 The review of the council's policies and conditions will address a range of overlapping issues:
  - Update and simplification of **vehicle** policies and conditions (11 vehicle policies, conditions and guidance on our web pages);
  - Update and simplification of **driver** policies and conditions (12 driver policies, conditions and guidance on our web pages);
  - Update and simplification of **operator and proprietor** policies and conditions (5 operator/proprietor policies, conditions and guidance on our web pages);
  - **Safeguarding and safety** policies and conditions (15 policies, conditions and guidance on our web pages);
  - **Harmonisation** of some policies and conditions across West Yorkshire and City of York for more effective enforcement;

- Development of a **Clean Air Zone** for Leeds and its implications for taxi and private hire vehicles; and
- Update and simplification of taxi and private hire licensing **application and renewal forms** in preparation for development of online forms and paper free case management systems.

3.2 The table in **Appendix 1** summarises the key policies and conditions which have been approved at Licensing Committee and are due for review. The table groups together those policies and conditions which are likely to be affected by a harmonisation of policies and conditions across West Yorkshire and York, which will require consultation in Leeds at broadly the same time as in the other authorities. The table also suggests that consultation could be combined on related policies conditions (such as separate consultations on drivers, safety, vehicles and operators).

3.3 It is anticipated that the consultation will reveal many interesting suggestions for new policies, such as, but not limited to the following:

- Tighter vehicle Age and Emissions limits - Hackney Carriage and Private Hire Vehicles policies, Age Extension policy;
- Alignment of convictions criteria and safeguarding approach across West Yorkshire and York;
- CCTV in vehicles – Approved In Car CCTV policy;
- Enforcement powers to inspect out of district vehicles licensed by other West Yorkshire and York authorities;
- Guide and assistance dogs in vehicles – Hackney carriage Vehicles, Private Hire Vehicles;
- Hackney Carriage Fare card – Hackney Carriage Vehicles;
- Hailing apps - Private Hire Operator;
- Intended use policy (i.e. use predominantly within Leeds) – Private Hire Operator;
- Driver training qualification – if required by training review;
- Use of publicly provided electric charge points – Private Hire Operator, Hackney Carriage Proprietor; and
- Wheelchair accessible vehicles (WAVs) – Private Hire WAV, Hackney Carriage WAV.

## 4 Corporate Considerations

### 4.1 Consultation and Engagement

- The service consults and engages regularly with the hackney carriage and private hire trade. The service holds forum meetings three times a year, with the private hire operators and separately with recognised hackney carriage associations/groups, and also issues a newsletter three times a year. The service also works closely with the council's Equality Hubs and the council's Access Committee.

- The reviews of policies and conditions are planned to use a method of 'double' engagement:
  - initial consultation identifying possible changes and seeking suggestions from a range of stakeholders; and
  - final consultation clarifying revised policy or condition, giving people a limited time (usually 14 or 28 days) in which to make representation against the revision. All responses to this consultation will be shared with Licensing Committee before the policy or condition is finalised, and a date for implementation determined. It is possible that, in the event of policies or conditions being kept unchanged or revised very marginally, the final consultation could be for a shorter period.

## 4.2 Equality and Diversity / Cohesion and Integration

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.

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**

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. The cost of reviewing and revising the policies and conditions, such as consultation, advertising, staff training, changes to ICT systems, will be funded through the use of fees.

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

There are no legal implications arising from these proposals, and they are not subject to call in or publication. There is the longer-term possibility of changes in national legislation, under the Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill 2017-19. However, this bill has to pass through several stages before UK law could be revised.

#### **4.6 Risk Management**

There are no risk management implications arising from this schedule of proposed review of policies and conditions, and it is not subject to call in or publication. The review of the policies and conditions may well raise issues perceived as relating to risk, such as where the council may harmonise its conditions in line with neighbouring authorities to enable more effective enforcement of cross border vehicles.

### **5 Conclusions**

5.1 The council's Taxi and Private Hire Licensing policies and conditions continue to be set and reviewed by the council's Licensing Committee. The council's policies and conditions apply to all drivers, vehicles and operators who hold the relevant licenses issued by the council. The council's Taxi & Private Hire Licensing team are responsible for making decisions relating to the application of the policies and conditions, under the council's scheme of sub-delegation.

5.2 The council has a plan to review and consult on each of the specific policies and conditions after either three or five years, to make sure they remain up to date and effective, and support our wider priorities of safeguarding, working effectively with neighbouring authorities, and improving air quality. The review will involve 'double' consultation with stakeholders in Leeds, and will also align with reviews of policies and conditions in neighbouring authorities.

### **6 Recommendations**

- 6.1 That members note the information in this report.
- 6.2 To seek Members' support for and input into the review and refresh of the council's taxi and private hire policies and conditions.

**7 Background documents**

None

**8 Appendices**

Appendix 1 Timetable for review of TPHL policies and conditions

### Appendix 1 Timetable for review of TPHL policies and conditions

Policy	Driver, Vehicle, Operator or Safety	Date approved at Committee	Period of Review (Years)	Date for Review	Likely date of initial consultation	Leeds or harmonised WY&Y policy
<b>2017-18</b>						
Group II Medical	Driver	16 Oct 12	5	Oct 2017	Nov 2017	Leeds
Stretched Limousine Private Hire Driver	Driver	16 Oct 12	5	Oct 2017	Nov 2017	Leeds
Stretched Limousine Private Hire Vehicle	Vehicle	16 Oct 12	5	Oct 2017	Jan 2018	Leeds
Stretched Limousine Private Hire Operator	Operator	16 Oct 12	5	Oct 2017	Mar 2018	Leeds
Medical Exemptions	Driver	16 Oct 12	5	Oct 2017	Nov 2017	Leeds
Executive Private Hire Operator	Operator	15 Jan 13	5	Jan 2018	Mar 2018	Leeds
Executive Private Hire Driver	Driver	15 Jan 13	5	Jan 2018	Nov 2017	Leeds
Driving Standards Agency (DSA) Test	Driver	16 Oct 12	5	Oct 2017	Jan 2018	WY&Y
English Comprehension	Driver	16 Oct 12	5	Oct 2017	Jan 2018	WY&Y
Local Knowledge Test	Driver	16 Oct 12	5	Oct 2017	Jan 2018	WY&Y
Customer Care Training	Driver	16 Oct 12	5	Oct 2017	Jan 2018	WY&Y
Private Hire Driver	Driver	16 Oct 12	5	Oct 2017	Jan 2018	WY&Y
Plying for Hire	Driver	15 Jan 13	5	Jan 2018	Jan 2018	WY&Y
Hackney Carriage Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings	Vehicle	15 Jan 13	5	Jan 2018	Mar 2018	WY&Y
Private Hire Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings	Vehicle	15 Jan 13	5	Jan 2018	Mar 2018	WY&Y

<b>Policy</b>	<b>Driver, Vehicle, Operator or Safety</b>	<b>Date approved at Committee</b>	<b>Period of Review (Years)</b>	<b>Date for Review</b>	<b>Likely date of initial consultation</b>	<b>Leeds or harmonised WY&amp;Y policy</b>
<b>2018-19</b>						
Executive Private Hire Vehicle	Vehicle	25 Jun 13	5	Jun 2018	Jul 2018	Leeds
Novelty (Trike) Private Hire Driver	Driver	25 July 13	5	July 2018	May 2018	Leeds
Novelty (Trike) Private Hire Vehicle	Vehicle	25 July 13	5	July 2018	Jul 2018	Leeds
Novelty (Trike) Private Hire Operator	Operator	25 July 13	5	July 2018	Sep 2018	Leeds

<b>Policy</b>	<b>Driver, Vehicle, Operator or Safety</b>	<b>Date approved at Committee</b>	<b>Period of Review (Years)</b>	<b>Date for Review</b>	<b>Likely date of initial consultation</b>	<b>Leeds or harmonised WY&amp;Y policy</b>
<b>2019-20</b>						
DBS Checks (annual checks/online update service)	Safety	9 Dec 14	5	Jun 2019	May 2019	Leeds
Private Hire Operator	Operator	10 Jun 14	5	Jun 2019	Jul 2019	Leeds
Private Hire Vehicle Proprietors inc. rental companies	Operator/ Proprietor	10 Jun 14	5	Jun 2019	Jul 2019	Leeds
Three Year Driver Licences	Driver	10 Jun 14	5	Oct 2019	May 2019	Leeds
Hackney Carriage Proprietor Suitability	Operator/ Proprietor	10 Feb 15	5	Feb 2020	Jul 2019	Leeds
Convictions Criteria	Safety	10 Jun 14	5	Jun 2019	Jan 2018	WY&Y
Vehicle Age Criteria – 5/6/7 seat HC WAVs	Vehicle	7 Oct 14	5	Oct 2019	Mar 2018	WY&Y
Immediate Suspensions	Safety	7 Oct 14	5	Oct 2019	Jan 2018	WY&Y
Publishing Driver Convictions	Safety	10 Mar 15	5	Mar 2020	Jan 2018	WY&Y