

**TAXI AND PRIVATE HIRE VEHICLE LICENSING - CONSULTATION ON
REVISED BEST PRACTICE GUIDANCE**

Pro-forma for use when responding

<i>Name of respondent</i>	Desmond P Broster, Principal Licensing Officer, Taxi & Private Hire Licensing on behalf of Leeds City Council's Licensing and Regulatory Panel
<i>Organisation (if applicable)</i>	Leeds City Council
<i>Interest (eg trade; local authority; passenger interest)</i>	Local Authority
Q1. Have you found the Best Practice Guidance useful?	In some parts, yes, however it does seem to take a step back on key issues when it could very safely say that it is for a Local Authority in each area to introduce and maintain conditions which create appropriate and proportionate standards of safety for the public. The comments in the guidance document do not seem to accommodate the taxi & private hire trade working within busy cities and inner city areas and do not seem to recognise that it is a significantly major contributor to public transport. The public using it deserve high standards of personal safety, in terms of vehicle and personal licensing and this should be a key note to contribute to crime and disorder strategies.
Q2. Has your local authority, since publication of the Guidance in October 2006, undertaken a review of its taxi and PHV licensing policies?	Current Review of unmet demand being undertaken. We have introduced new driver and private hire vehicle conditions, stretch limousines now have a licensing policy and conditions, as do Chauffeur driven vehicles. The opportunity for a wide variety of differing types of vehicles to be licensed remains open within this Authority.
Q3. Can you offer any examples of instances where local policies have been amended to reflect the advice in the original Best Practice Guidance?	As above, but also English comprehension testing, NVQ and BTEC training, disability awareness training and testing for hackney carriage drivers, disability training and testing for private hire drivers.

<p>Q4. Do you consider that any issues in the original guidance where changes are not proposed should be revised?</p>	<p>Yes – clear and unambiguous guidance regarding “O” licences, which can be used to encourage and improve professional working practices and relationships between a local licensing authority and VOSA, in such a way that information is readily available to local authorities, who should be treated as significant partners.</p>
<p>Q5. Do you consider that there are issues which are not currently covered in the Guidance which could usefully be covered?</p>	<p>Ready access to best practice across the country. Encouraging Officers to become part of a national licensing organisation and highlighting those benefits at a very senior level within Councils.</p>
<p>Q6. Do you have any comments on the proposed guidance about accessibility (paras 13-19)</p>	<p>It would be beneficial if the decision in respect of vehicle designs for hackney carriage wheel chair accessibility could be made quickly and without further delay. This Authority does consider that a mixed fleet is desirable, but also that hackney carriage and private hire vehicle saloons have capacity to improve on their standard designs, in a way that will make those vehicles more user friendly for people with a wide range of disabilities.</p>
<p>Q7. Do you have any comments on the proposed guidance about the duty to carry assistance dogs (paras 20-21)?</p>	<p>No – other than the emphasis is correctly placed.</p>
<p>Q8. Do you have any comments on the proposed guidance about duties under the Part 3 of the Disability Discrimination Act 1995 (paras 22-25)?</p>	<p>LCC has designed a training course with test for all hackney carriage drivers which is led by a MIDAS trainer. All private hire driver licence holders and new applicants have been given a Go-skills disability training CD. All new private hire drivers have to undertake a knowledge test which includes disability questions. Additionally, all existing private hire drivers will have to undertake that training and testing as part of a rolling program.</p>
<p>Q9. Do you have any comments on the inclusion of a reference to the national inspection standards drawn up by the Public Authority Transport Network (para 32)?</p>	<p>(To Follow)</p>

<p>Q10. Do you have any comments on the proposed guidance about drivers' personal security (paras 29; and 33-35)?</p>	<p>Leeds City Council has set aside £25,000 to co-fund CCTV and driver safety shields for both private hire and hackney carriage drivers. It has also circulated personal safety advice leaflets, co-designed by the West Yorkshire Police, across the West Yorkshire districts and on a separate occasion across the Leeds licensing district. We feel that future best practice guidance could focus attention on the responsibility of operators, taxi associations and vehicle proprietors about their responsibility in respect of health and safety and potential claims or prosecution against them for not putting in place sufficient safeguards for drivers who they employ or dispatch.</p>
<p>Q11. Do you have any comments on the proposed guidance about stretched limousines (paras 38-40)?</p>	<p>Leeds City Council wishes to express its concerns over the flaws in the current legislation, which fails to bring effective CRB vetting on those drivers of stretch limousines who choose to avoid local authority licensing regimes. There is also some concern that major cities such as Leeds, which are a point of attraction for party groups hiring stretch limousines, are receiving them from licensing authorities across the North of England who may do little in terms of placing appropriate conditions upon vehicle or personal licenses.</p> <p>This area of advice is not generally helpful and the author should listen to the concerns of the Police in West Yorkshire over the lack of adequate licensing regimes across the region. In the light of Police advice it would be remiss of Councils, to say the least, if they were not to apply the appropriate licensing conditions. There are serious concerns about the links between organised crime and the industry.</p>
<p>Q12. Do you have any comments on the proposed guidance about criminal record checks on drivers (paras 54-57)?</p>	<p>LCC has such policies and procedures. However it is concerned that information is being supplied from local foreign Police stations in remote areas which cannot be authenticated and caution should be exercised if relying upon it. Quite often passports do not contain information indicating that an applicant has been in the country previously and it would be possible for a foreign national convicted in this country to have left the country again, come back with a</p>

	<p>duplicate passport and claim they had not lived here. I would suggest that local authorities conduct a CRB application in each and every case, regardless of whether or not the person says that they have lived in this country previously.</p> <p>There are some concerns about the role of the ISA and how that might conflict with decisions taken by local authorities and it is hoped there will be close liaison in this area. Overall this is very useful and practical information.</p>
<p>Q13. Do you have any comments on the proposed guidance about the Notifiable Occupations Scheme (paras 58-61)?</p>	<p>Generally much improved and certainly the co-operation with West Yorkshire Police and how they now disseminate information has improved beyond all recognition in recent years. There does however need to be recognition on the part of ACPO that local authorities have a significant role to play in presenting evidence to the courts in respect of licensing decisions. This is particularly important in instances where there has been inappropriate sexual behaviour alleged, but the Crown Prosecution Service decides not to prosecute because of the “one on one” situation in terms of evidence. The Police should voluntarily disclose that evidence to licensing authorities to enable them to present the same evidence before the courts, which sits as a civil court in hearing licensing decisions. Courts are very keen to hear first hand relevant evidence and on many occasions the information offered by the Police on CRB’s is insufficient and potentially capable of allowing a sexual offender to be licensed.</p> <p>Leeds is trialling an intelligence sharing system with the West Yorkshire Police where court decisions taken on licensing issues are formally notified to the Police.</p> <p>ACPO should create a formal structure enabling local authorities to have a straight forward process for passing conviction details to them so that it can be recorded and available to other local authorities.</p>

<p>Q14. Do you have any comments on the proposed guidance about Immigration checks (para 62)?</p>	<p>Very useful advice.</p>
<p>Q15. The Government is minded to remove reference to the exceptional C1 arrangements in the original guidance. However, in making a final decision, we would welcome feedback from stakeholders about the possible change. Do you have any evidence about the extent to which taxi/PHV drivers are currently licensed on the basis of the C1 arrangements (paras 63-64)?</p>	<p>We are currently introducing a requirement for Group II medical in line with the best practice, but are aware that a significant number of licence holders within Leeds are from a South Asian background.</p> <p>We would welcome an impact assessment from you, before any further action is taken, to enable legislators to reflect on how such a move would impact on this licensing authority and others. I should emphasise that about 75% of the 6,500 licence holders are South Asian by descent.</p>
<p>Q16. Do you think that it is appropriate for the proposed guidance to make no reference to the use of the C1 arrangements for insulin-treated drivers; please explain your reasons (paras 63-64)?</p>	<p>LCC would welcome a more comprehensive background information explaining this reasoning than is currently supplied.</p>

<p>Q17. Do you have any comments on the proposed guidance about medical fitness (other than comments in relation to the C1 arrangements) including the proposed references to use of medical practitioners who are trained in the application of Group 2 medical standards? Would this add to costs? If so, would this be justified? (paras 63-66)?</p>	<p>It would add additional cost but considering that the service provided by many drivers is usually undertaken after a normal working day or involves excessive working hours, there is a need to ensure that the driver is fit and alert. It should also be noted that many professional drivers are the subject of working hours regulations and whilst such regulations would be difficult to operate within this particular licensed trade, it is highly desirable that at the very least the Council and general public can be assured that they are medically fit for work in such an environment.</p> <p>LCC supports the view that Group II medical is necessary medical standard for professional drivers.</p> <p>It is not a cheap option using an individuals own GP, but this Authority would have serious concerns about reports being prepared other than the applicants GP unless it was from a medical adviser elected by the Council. However, the question is based upon a misunderstanding of cost and there would be a significant on-cost, perhaps even more than that imposed by their own GP, should the Council defer to their own medical adviser. It also seems pretty clear that there would be a significant obstruction to medical checks being conducted in a timely way if medical checks were to be centrally sourced.</p>
<p>Q18. Do you have any comments on the proposed guidance about language proficiency (para 69)?</p>	<p>Such a testing environment was introduced in Leeds in 2007 and is considered to be essential in view of the varying communication skills across society who use taxis or private hire vehicles. An ability to read simple directions should also be put into the requirement, as should being able to write a receipt. It should be remembered that many people using licensed vehicles may have poor communication skills themselves or have particular learning difficulties, so it is essential that the driver can understand and communicate very ably.</p>

<p>Q19. Do you have any comments on the proposed guidance about other training (para 70)?</p>	<p>LCC believe that there should be a greater impetus centrally for all local authorities to impose more professional standards and achievements for taxi and private hire drivers. The public at large and the majority of professional drivers deserve this trade to be moved out of the twilight zone and towards the very professional standards attained by so many licensed operators, taxi associations, and drivers in this city.</p>
<p>Q20. Do you have any comments on the proposed guidance about topographical knowledge (paras 71-72)?</p>	<p>It should not be overlooked that people with learning difficulties or visual impairments often use private hire vehicles and taxis and need to be assured that the driver can be relied upon. Operational experience shows that lone females travelling late night very often do not want to communicate with driver and need to be reassured that they will be taken home by the most direct route. It would be naïve for the DfT to believe that licensed operators view all dispatch detail of journeys or that their staff working in the control room are equipped to assist on every occasion. There are some significant middle and main stream operators in Leeds, and many other cities and the thought that every journey will be monitored in a supervisory aspect is very much mistaken.</p>
<p>Q21. Do you have any comments on the proposed guidance about criminal record checks on PHV operators (para 74)?</p>	<p>The links between organised crime and the opportunities to launder money and create crime networks as a private operator seem to have been seriously overlooked in the preparation of this consultation document. Centrally much more attention needs to be paid to the opportunities for crime potential. The private hire operator licence once granted could take a major crime investigation to remove it. The issuing authority need to have as much information as possible to make decisions in order to contribute appropriately to crime and disorder at an early stage. It does seem that the potential for crime to be involved in the operation of taxi and private hire businesses has been considerably underestimated in the document prepared for consultation.</p> <p>This is not just a transport or public safety issue but also needs the considered view of the crime intelligence resources with the Police services.</p>

<p>Q22. Do you have any comments on the proposed guidance about the repeal of the PHV contract exemption (paras 78-79)?</p>	<p>The guidance has worked adequately. On behalf of some colleagues from other authorities, I think it worthwhile to express their concerns, that the opportunities to create adequate enforcement capability are undermined by pressures other than necessity.</p>
<p>Q23. Do you have any comments on the proposed guidance about enforcement (paras 80-84)?</p>	<p>No, other than that it needs to be recognised centrally that the cost of employing taxi marshals is a considerable expense and a potentially significant burden to be placed upon licence holders. There is the opportunity to encourage taxi associations and licence operators to have legal bookings services within busy establishments which can contribute to safety by reducing plying for hire. The local authority does however have to contribute to training those people involved in marshalling and ensuring in the case of private hire operators, that they are fully compliant with the relevant law.</p>
<p>Q24. Do you have any comments on the proposed guidance about taxibuses (para 90)?</p>	<p>Unfortunately there has been no interest in this within the Leeds licensing district.</p>