

## Report of Director of Resources

## Report to Licensing Committee

**Date: 15 November 2011**

**Subject: Information report on Operational and Delegated Administrative Process for the year 4 October 2010 to 3 October 2011.**

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. The report sets out the preceding years operational and administrative activity within Taxi & Private Hire Licensing on the key areas of:
  - Staff structure
  - Service Development
  - Administering delegated decisions within the licensing function
  - Enforcement activity
  - Vehicle inspections

## Recommendations

2. That Elected Members note the content of the report and make any observations they consider appropriate.

## **1 Purpose of this report**

- 1.1 This report is intended to keep Members informed of the operational activity and administrative decisions and outcomes of the Section and to highlight some of the key areas of our work during the preceding 12 months.

## **2 Background information**

- 2.1 Outside of London, Leeds City Council, along with Birmingham, are the two largest licensing authorities in the country. This status brings with it challenges that are significantly magnified in terms of public safety when compared to the smaller and mid range authorities. Over the past 6 years the Authority has introduced a range of policies and conditions upon licences to enable the authority to deal proportionately with public safety and the public's service expectations.
- 2.2 Three examples are:
  - English comprehension testing
  - Vehicle age criteria
  - Increased requirements on training and professionalising the trade.
- 2.3 None of these are strict enforcement tools, but are designed to ensure that licence holders can comply with the requirements of their licence, or, in the case of the 'age criteria' to prompt vehicle proprietors to maintain their vehicles and keep them in a tidy, clean state.
- 2.4 All of the policies and conditions are subject to review and that work forms part of the sections service planning program as does the issues around driver NVQ's.
- 2.5 Whilst those two issues form only a small part of this report they are included so that there is a clear audit trail of processes, along with demonstrated work outputs and outcomes which puts those two issues into the context of the licensing environment.

## **3 Main issues**

- 3.1 A review is currently being undertaken of all the policies and conditions directly affecting licence holders or applicants and forms part of this Committees work program. The majority have been to public consultation and the results are in the process of being reviewed by Officers before going back to a further short consultation period, following which recommendations will be presented to the Licensing Committee. The only remaining issue to go to consultation is the review of Hackney Carriage Byelaws.
- 3.2 Unfortunately the Committee time table for this issue will not be met due to the significant displacement of staff in key areas of work.

### **3.3 Staffing structure**

- 3.4 The Section currently has 9 positions in the recruiting process but has also recruited to three other positions in the past few months.

The staff structure at **Appendix A** sets out the current position.

These vacancies have most significantly impacted upon the Licensing Office, Service Development role and Management who have had to handle others workloads.

- 3.5 It is on this basis the NVQ review process and policy review have fallen behind schedule as the number and variety of other issues confronting Officers are handled. Whilst it is not yet possible to re-define the timetable I can advise that recruitment of a Service Development Officer is at an advanced stage and this will contribute to pushing those two areas forward.

### **3.6 Administering delegated decisions**

- 3.7 The decisions taken by staff at Taxi & Private Hire Licensing appear at **Appendix B**.
- 3.8 The areas of decision making moves across a range of policies the most frequent being within the licensing office in respect of personal licences granted to Hackney Carriage and Private Hire drivers and their respective vehicles. Generally these are a straight forward compliance check but often are complicated by drivers who have failed to report convictions and other similar issues. Arising from this is the **table 4** 'drivers referred to training' which is linked directly to the Private Hire driver conditions. This particular condition is proving to be a very beneficial training tool for those Private Hire drivers who have not previously undertaken formal training.
- 3.9 Other areas of policy where delegated decisions have been taken relate mainly to Private Hire and Hackney Carriage vehicles as set out in the bulleted list at **Appendix B**.

### **3.10 Enforcement Activity**

- 3.11 The results of activity appear at **Appendix C**.
- 3.12 Additionally there have been 14 multi agency exercises in communities across the city involving Police, Environmental Services, VOSA and HMRC, Dept of Work and Pensions, UK Border Agency, Leeds Metropolitan University Security and Leeds Courts Civilian Warrants. These contributions demonstrate to the wider public the cohesive pro-activity of the Council and give significant public reassurance.
- 3.13 In respect of night-time enforcement activity Management would wish to emphasise to Elected Members the extent of the difficulties facing Officers and the significance of the results they achieve, in such potentially confrontational situations. Enforcement alone is not the solution to the issue of 'plying for hire'. Behind each conviction there has been the organising of the operational event, securing, preserving and presenting evidence to the Courts and the various decision making processes involved in prosecutions and revocation considerations. All of the cases prepared by the Section are completed to a detailed standard and are presented to the Magistrates and Crown Court.

### **3.14 Vehicle Inspections**

- 3.15 These figures also appear at **Appendix D**.

- 3.16 The combination of the financial climate and the opportunities within the 'age criteria' policy seem to be affecting the way in which Private Hire vehicle's are being licensed. The previously predominant trend of taking off a licensed vehicle and replacing it with a lower aged vehicle seems to be moving slightly towards maintaining the existing vehicle and applying for an exceptional condition. Those figures are reflected at **Appendix D – vehicle inspections – Table 1.**

## **4 Corporate Considerations**

Although the section faces many difficult issues it continues to contribute to the Corporate focus.

### **4.1 Consultation and Engagement**

- 4.1.1 Not undertaken for this Members information report.

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

- 4.2.1 Information report only – no development issues.

### **4.3 Council Policies and City Priorities**

- 4.3.1 Information report only – no development issues.

### **4.4 Resources and Value for Money**

- 4.4.1 Information report only.

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

- 4.5.1 Information report only – no development issues.

### **4.6 Risk Management**

- 4.6.1 No significant financial or Health and Safety issues for this information report – no development issues.

## **5 Conclusions**

5.1 Information report only.

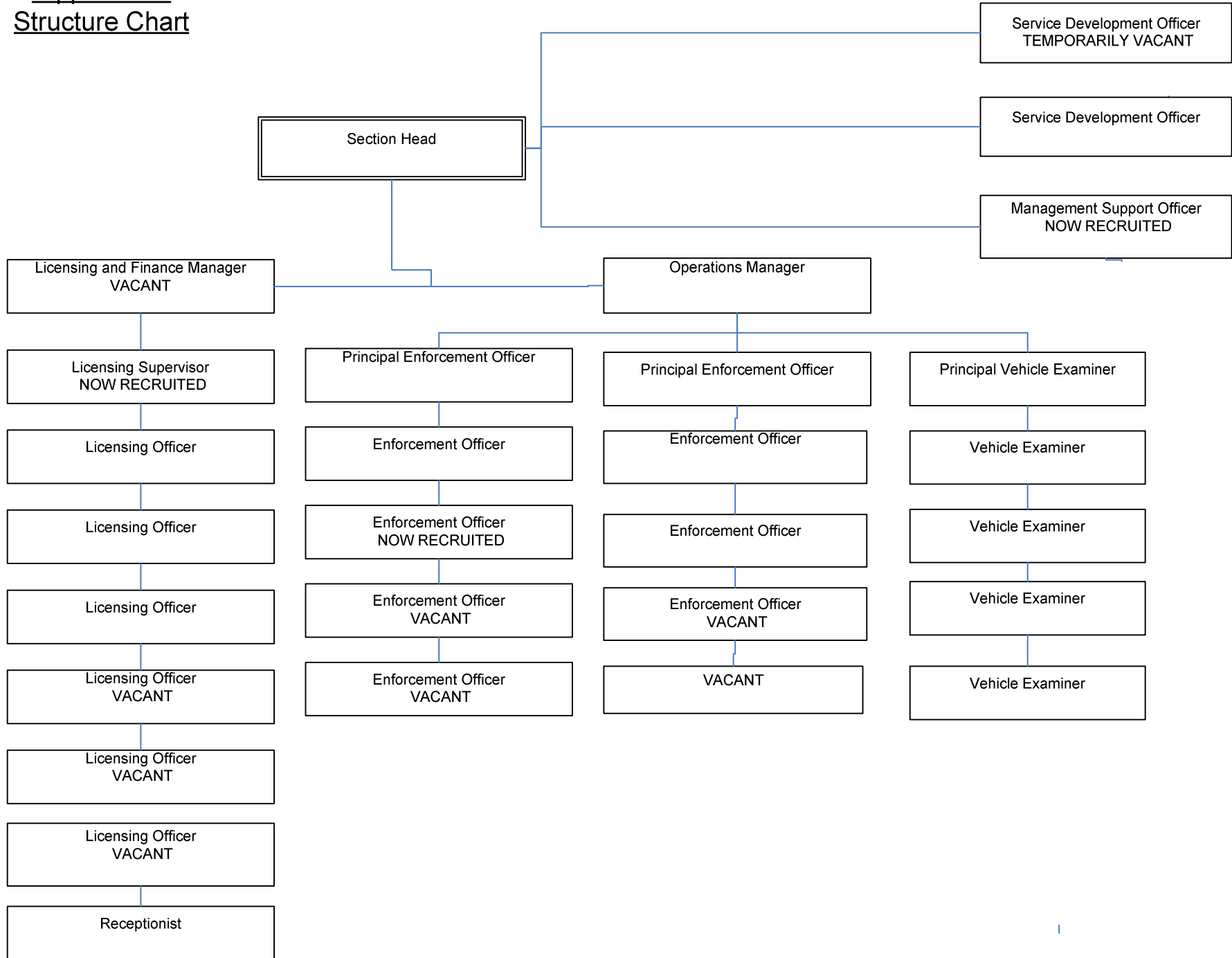
## **6 Recommendations**

6.1 That Elected Members note the content of the report and make any observations they consider appropriate.

## **7 Background documents**

None

# Appendix A Structure Chart



**Delegated decisions carried out by staff at Taxi & Private Hire Licensing:**

**In respect of policy**

- Cameras in vehicles - policy adapted to allow a trial period of collision impact recording cameras
- Vehicle type approval – 1 new Private Hire vehicle (Skoda Fabia GreenLine 11 – less than 1400cc), 1 new Hackney Carriage vehicle (VW Jetta)
- Private Hire vehicle conditions - policy adapted re colour of wheelchair accessible Private Hire vehicles insofar as all black vehicles allowed
- Hackney carriage vehicle signs and markings - exemptions to Corporate Advertising on age on a case by case basis
- (Private Hire and Hackney Carriage vehicle – see table 1) ‘exceptional condition’ policy variations to policy on age criteria
- Hackney Carriage and Private Hire vehicle conditions - driver screen division for adopted saloon vehicles.
- Signs and markings – Private Hire and Hackney Carriage conditions – Display of notices creating awareness for ‘trafficking of women’, crime issues.

**TABLE 1 – Delegated Decisions in respect of vehicle licensing ‘exceptional condition’**

	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Requests</b>	Not recorded	55	114
<b>Grants</b>	12	36	68
<b>Refusals</b>	Not recorded	2	4
<b>Not proceeded</b>	Not recorded	17	42

TABLE 2 – Personal licences issued or renewed

	<b>New Licences</b>	<b>Renewals</b>	<b>Total Licences</b>
<b>Private Hire Driver</b>	392	4,887	5,279
<b>Hackney Carriage Driver</b>	57	1,041	1,098
<b>Contract Driver</b>	27	463	490
<b>Private Hire Vehicle</b>	1,969	3,239	5,208
<b>Hackney Carriage Vehicle</b>	185	476	661
<b>Contract Vehicle</b>	9	43	52
<b>Operator</b>	19	88	107
<b>Contractor</b>	1	16	17
<b>Escort</b>	26	138	164
<b>Total Licenses Issued</b>	<b>2,685</b>	<b>10,391</b>	<b>13,076</b>

TABLE 3

<b>During the period 4/10/2010 to 4/10/2011</b>	<b>Private Hire driver</b>	<b>Hackney Carriage driver</b>
<b>Refusals</b>	14	1
<b>Revocations</b>	55	3

### Summary of revocations

Plying for hire/no insurance            26

Disqualified from driving            7  
(drink/driving, totting up, DVLA licence revoked, aggravated vehicle taking, driving without due care and attention)

Remainder of revocations spread across convictions for drugs use or possess with intent to supply, perverting the course of justice, firearms, theft, deception and forgery, sexual assault, rape, inappropriate behaviour and violence.



**TABLE 4 - Drivers referred to remedial training**

	<b>Private Hire drivers</b>
<b>2010</b>	11
<b>2011 (up to 4/10/2011)</b>	19

	<b>Tests taken</b>	<b>Tests passed</b>	<b>Tests failed</b>
<b>Private Hire Driver Seminar (Referred drivers re-tests)</b>	56	18 (32%)	38 (68%)

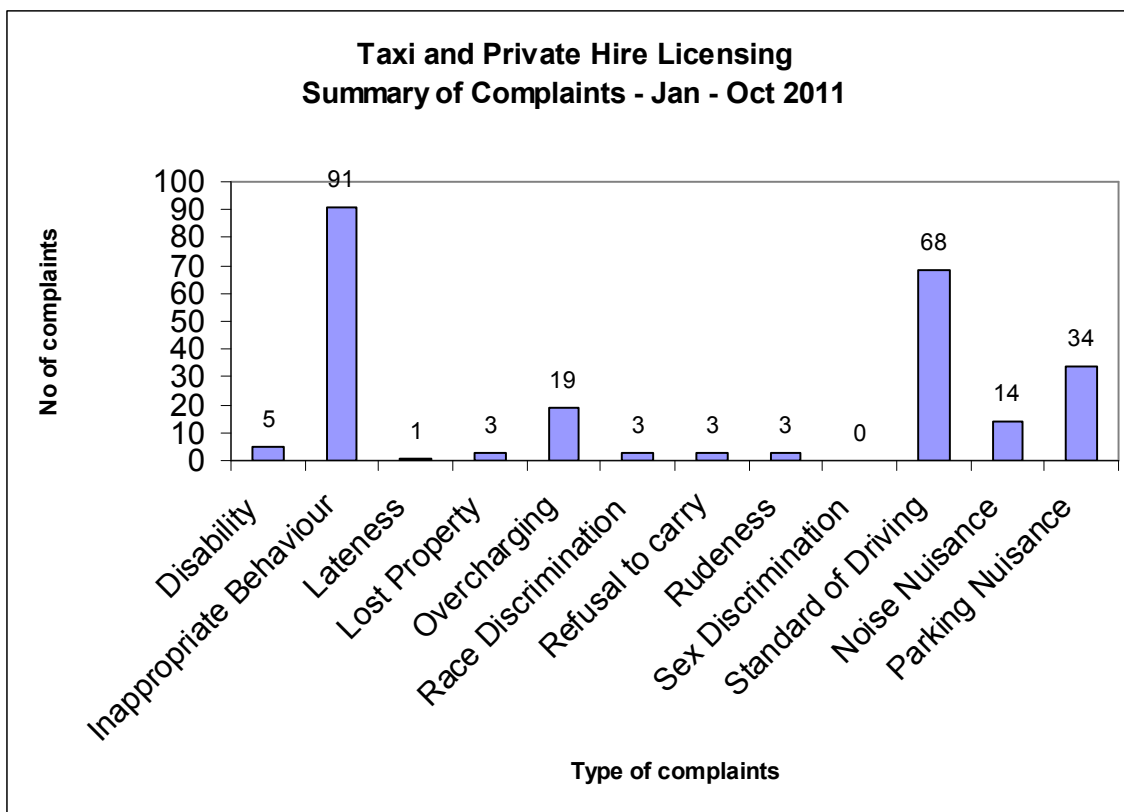
**TABLE 5 - Training and/or testing undertaken during the period 4/10/2010 to 4/10/2011**

	<b>Tests taken</b>	<b>Tests passed</b>	<b>Tests failed</b>
<b>Hackney Carriage Local Knowledge</b>	98	56 (57%)	42 (43%)
<b>Private Hire Driver Seminar (new applicants and their re-tests)</b>	699	344 (49 %)	355 (51%)

**Enforcement Activity**

**Suspension of driver licences**

- Criminal convictions 28
- Medical 4
- Plying for hire 41
- DVLA notifications 17
- Police disclosure 7
- Public complaints 3
- Total 100



**Prosecution Cases – 04/10/2010 – 30/9/2011**

**Appendix C**

<b>DATE OF OFFENCE</b>	<b>OFFENCE</b>	<b>RESULT</b>	<b>POST CODE</b>
07/10/10	Defective tyre	Fine £150. Costs £415.03. 3pt	BD12
03/10/10	Plying for Hire/No Ins	Fine £65. 6 pts. Costs £170.	WF13
02/10/10	Plying for Hire/No Ins	Fine £350. 6pts. Costs £568.83	LS8
23/10/10	Plying for Hire/No Ins	Fine £65. 6pts. Costs £170	LS28
02/10/10	Plying for Hire/No Ins	Fine £100. 6 pts. Costs £150.	BD5
26/09/10	Plying for Hire/No Ins	HO Caution issued	LS8
23/10/10	Defective tyre	Fine £350. Costs £339.60. 3 pts	BD5
23/10/10	Plying for Hire/No Ins	Fine £150. 8 pts. Costs £500.	LS8
23/10/10	Plying for Hire/No Ins	Fine £130. Costs £120. Disqualified 7 days.	BL8
30/10/10	Defective Tyres X 2	Fine £65. 3 pts. Costs £170	BD7
07/09/10	Defective tyre	Fine £160. Costs £384.63. 3 pts.	LS8
07/11/10	Plying for Hire/No Ins	Fine £100. Costs £145. 8 pts.	WF12
06/11/10	Plying for Hire/No Ins	Fine £100. Costs £150. 8 pts	LS8
06/11/10	Plying for Hire/No Ins	Fine £100. Costs 150.	BD9
02/11/10	Defective tyre	Fine £130 Costs £150. 3 pts	WF17
24/10/10	Plying for Hire/No Ins	Fine £270. Costs £300. 6 pts.	BD5
07/11/10	Plying for Hire/No Ins	Fine £150 Costs £200. disqualified on totting up.	LS7
07/11/10	Plying for Hire/No Ins	Fine £115. Costs £350. 8 pts	BD8
10/11/10	Defective tyre	Fine £65. Costs £150. 3 Pts	LS13
16/11/10	Defective tyre	Fine £200. Costs £250. 3 pts	LS14
21/11/10	Defective tyre	Fine £80. Costs £700 3pts.	BD21
18/11/10	Defective tyre	Fine £130. 3 pts	LS11
24/11/10	Defective tyre	Fine £80. Costs £250. 3 pts	BD3
14/11/10	Plying for Hire/No Ins	Fine £100. Costs £589.09. 8 pts	BD8

**Prosecution Cases – 04/10/2010 – 30/9/2011**

**Appendix C**

19/11/10	Defective tyre	Fine £65. Costs £200. 3 pts	LS25
22/11/10	Defective tyre	Fine £80. Costs £366.21. 3 pts.	BD8
19/11/10	Defective tyre	Fine £65. Costs £391.06. 3pts	LS7
27/11/10	Plying for Hire/No Ins		HX1
27/11/10	Plying for Hire/No Ins	Fine £100. Costs £300. 6 pts.	BD9
28/11/10	Plying for Hire/No Ins	Fine £100. 6pts. Costs £200.	BD3
28/11/10	Plying for Hire/No Ins	Fine £100. 6pts. Costs £200.	LS6
28/11/10	Plying for Hire/No Ins	Fine £100. Costs £150. 6 pts	LS6
27/11/10	Plying for Hire/No Ins	Fine £120. Costs £300. 6pts	OL16
28/11/10	Plying for Hire/No Ins	Fine £1900. Costs £250. 8 pts.	LS4
09/12/10	Defective Offside Tyre	Fine £175. Costs £338.53. 3 pts	BD59
6/8/10 - 16/11/10	Driving without insurance	Fine £80. Costs £700. 3 pts.	BD21
07/11/10	Plying for Hire/No Ins	Fine £150. Costs £235.	LS8
14/01/11	Defective tyre	Fine £230. Costs £377.40. 3 pts.	LS8
08/01/11	Defective tyre	Fine £130. Costs £368.53. 3pts	BD8
04/01/11	Defective tyre	Fine £120. Costs £362.32. 3 Pts	LS4
27/01/11	Defective tyre	Fine £130. Costs £373.50. 3 pts	BD9
07/01/11	Defective Nearside front Tyre	Fine £100. Costs £260. 3Pts.	LS17
15/01/11	Defective tyre	Fine £350. Costs £338.53. 3 pts	BD5
11/01/11	Defective tyre	Fine £80. Costs £567.00	LS7
07/11/10	Plying for Hire/No Ins	Fine £525. Costs £597.96. 8 pts.	BD3
23/03/11	Fail to wear/display drivers badge	Written Warning	
23/03/11	Fail to wear/display drivers badge	Written Warning	
23/03/11	Fail to wear/display drivers badge	Written Warning	
18/03/11	Fail to wear/display drivers badge	Written Warning	
06/03/11	Fail to wear/display drivers badge	Written Warning	

**Prosecution Cases – 04/10/2010 – 30/9/2011**

**Appendix C**

05/03/11	Fail to wear/display drivers badge	Written Warning	
05/03/11	Fail to wear/display drivers badge	Written Warning	
18/02/11	Fail to wear/display drivers badge	Written Warning	
27/02/11	Defective tyre	Fine £70. Costs 3373.50. 3 pts.	LS11
10/02/11	Defective tyre	Fine £85. Costs £200. 3 pts. - would have been totted up - found exceptional hardship	LS11
13/01/11	Defective tyre	Fine £350. Costs £380.53. 3pts	BD9
13/01/11	Defective tyre	Fine £200. Costs £378.98. 3pts	WF12
19/03/11	Defective tyre	Fine £70. Costs 3368.58. 3 pts.	BD5
27/03/11	Defective tyre	Fine £150. Costs £333.50. 3pts.	BD2
13/01/11	Unlicensed driver & No insurance		BD2
13/01/11	Defective tyre	Fine £70. Costs £362.31. 3 pts.	LS16
18/12/10	No insurance	Fine £100. Cost 3140. 6 mnths disq ontotting up.	LS12
06/01/11	Failing to comply with RTA 1984	Fine £525. 6pts. Costs £388.23.	BD9
28/03/11	Defective tyre	Fine £150. Costs £300. 3 pts.	WF13
27/04/11	Defective tyre	Fine 3200. Costs £385.71. 3 pts	BD9
27/04/11	Defective tyre	Fine 3100. Costs 3338.53. 3 pts	LS9
17/04/11	Defective tyre	Fine £200. Costs £63.57. 3 pts.	BD9
02/04/11	Defective tyre	Fine £150. Costs £382.37. 3pts	LS12
07/05/11	Plying for Hire/No Ins	Fine £100. Costs £402.55. 7 pts	BD18
25/06/11	Plying for Hire/No Ins		BD72
04/05/11	Defective tyre	Fine £130. Costs £328.53. 3 pts.	LS12
06/05/11	Plying for Hire/No Ins	Fine £100. Costs £261.03. 8 pts.	WF13
07/05/11	Plying for Hire/No Ins		BD7
07/05/11	Plying for Hire/No Ins	Fine £100. Costs £253.23. 8 Pts.	LS7
17/05/11	Defective tyre	Fine £165. Costs £343.50. 3 pts.	LS8
28/05/11	Plying for Hire/No Ins		BD8

**Prosecution Cases – 04/10/2010 – 30/9/2011**

**Appendix C**

19/05/11	Defective tyre	Fine £130. Costs £347.40. 3 pts	BD8
01/06/11	Defective tyre	Fine £130. Costs 3391.24. 3 pts.	LS11
18/06/11	Defective tyre		LS8
05/06/11	Defective tyre		BD2
06/06/11	Defective tyre		WF13
18/06/11	Plying for Hire/No Ins		LS7
14/06/11	Defective tyre		WF8
12/06/11	Defective tyre		LS17
06/06/11	Unlicensed Driver No Insurance	HO caution	BD4
28/04/11	Defective tyre		LS17
12/06/11	Defective tyre		BD15
19/06/11	Defective tyre		BD5
27/06/11	Defective tyre		BD2
24/06/11	Plying for Hire/No Ins		LS9
18/06/11	Plying for Hire/No Ins	HO Caution	LS12
13/07/11	Defective tyre		LS8
11/07/11	Defective tyre		LS8
11/07/11	Defective tyre		LS8
24/06/11	Plying for Hire/No Ins		WF13
23/07/11	Plying for Hire/No Ins		LS9
14/07/11	Defective tyre		LS8
23/11/10	Plying for Hire/No Ins	HO Caution	BD21
25/06/11	Plying for Hire/No Ins		BD7
06/08/11	Plying for Hire/No Ins		LS8
15/05/11	Unlicensed driver/no insurance		BD21
13/07/11	Defective tyre		WF16

**Prosecution Cases – 04/10/2010 – 30/9/2011**

**Appendix C**

26/06/11	Plying for Hire/No Ins		BD7
05/07/11	Defective tyre		LS12

**Vehicle Inspections**

Summary of inspection results conducted between 11/01/2011 – 31/08/2011  
for licensed vehicles first registered between 01/01/2005 – 31/12/2005

Vehicles required to attend	Vehicles attended	Vehicle Pass	Vehicle Fail	Attended Fail & VOR	Vehicle Suspended /removed
977	831	373	350	107	2

Vehicles failed to attend
146

*The following results are from the 146 that failed to attend:*

Vehicles attended at a later date	Vehicles Pass	Vehicles Fail	Attended Fail & VOR
88	38	38	12

Surrendered no attendance	Licence removed no attendance	Pending investigation
36	6	16



**TABLE 1 – Changes to Private Hire vehicle licensing pattern since introduction of ‘age criteria’ policy**

	<b>Private Hire Vehicle Renewal</b>	<b>New Private Hire Vehicle licences</b>
08/09 half year	1489	836
08/09 full year	2397	1718
09/10 half year	1586	727
09/10 full year	3138	1424
10/11 half year	1601	605
10/11 full year	3162	1193
11/12 half year	1658	542
11/12 full year		