

**Report of Head of Licensing and Registration**

**Report to Licensing Committee**

**Date: 14 May 2013**

**Subject: Length of issue of Hackney Carriage and Private Hire driver licences**

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 origin of this report is from previous requests of the licensed trade to issue Hackney Carriage and Private Hire driver licences for a three year continuous period.
2. The potential consequences of issuing such a three year licence may give Members cause for concern in respect of potential increased public safety risks and this report seeks to set out all the advantages and disadvantages of such a licence term and offer alternative proposals for Members to consider.
3. Whilst there is information to contribute to and assist the Members in reaching a decision it is proposed that this is an interim report and the full consultation take place prior to a further report being put to Members. At that time Members would be able to consider the consultation feedback alongside an updated report and any further information.

## **Recommendations**

4. Members note the content of the report.
5. That Members consider all of the issues, making observations, and give consideration to a three month period of public and wider trade consultation being undertaken.
6. In the consultation process, the whole of this report would be released for consultation but Members should agree which option or combination of options they particularly wish to consult on.
7. Members may wish to contribute to the consultation process by indicating their preference for a length of service starting point on options 2 and 3.
8. Members note that a further report will be presented to the Licensing Committee for a final decision following consultation.

## 1 Purpose of this report

- 1.1 To inform Members of the current approved practice within the Taxi and Private Hire Licensing Section, the legal background to the issuing of Private Hire and Hackney Carriage driver licences i.e. how long they may be issued, and material statistical information relating to the conduct of some drivers at different stages of their licence.
- 1.2 To give Members sufficient information in terms of administrative options to fairly balance the needs of drivers and the Council and to weigh those against the crucial issue of risks to public safety and the reputation of the Council. The final decision by Members to decide whether it is considered safe to move to a continuous three year licence grant or adopt a more flexible renewal policy, where appropriate, will be the subject of a further report following public consultation.

## 2 Background information

- 2.1 In 1978 Leeds City Council adopted Part II of Local Government (Miscellaneous Provisions) Act, 1976 and took responsibility for all aspects of the licensing trade. Since then the Council has set licensing fees, determined to whom a driver licence would be issued by applying 'fit and proper' person test and the period that licences would be issued for. This has always been set at one year.
- 2.2 The legislation does not stipulate for how long a licence should be issued but does set a maximum period of three years. The practice amongst other local authorities varies and the chart at **Appendix 1** sets out the practices of other local authorities nationally and our neighbouring authorities. It must be pointed out at this stage that trade issues vary between authorities as do both administrative and street enforcement.
- 2.3 Leeds City Council has significantly more licensed drivers and vehicles than many authorities and that, combined with a vibrant night time economy drawing in the licensed trade which has a large representation from outside the district, creates many challenges for licensing staff in terms of volume and adherence to licence conditions. Please see **Appendix 2**.
- 2.4 Over recent years there have been a number of enquiries about the issue of three year licences but because of technical restrictions with the previous licensing computer it was an issue that could not be pursued and all the attendant matters for or against such a proposal were not explored.
- 2.5 In 2012 the new licensing computer 'went live' and following a period of training, technical adjustments and new procedures to suit this new licensing system we are now at a point where we can say such a licence period can, technically be produced.

## 3 Main issues

### 3.1 Profiling the trade

- 3.2 In trying to form a reasonable means of assessment, a snapshot of enforcement activity was taken from the licensing year 2012. The areas from which the statistics were drawn are:

- Suspensions (**Appendix 3**)
- Prosecutions (**Appendix 4**)
- Revocations (**Appendix 5**)

The appendices group adverse behaviour into a time span of how long drivers have been licensed.

(These statistics may have some overlap and the bottom line numbers cannot be added together and correlate accurately the numbers involved).

- 3.3 Whilst errors of personal judgement can arise at any age or level of experience the profiles at **Appendix 3 to 5** may seem to support a view that the volume of risk reduces with length of service. It's fair to say some adverse issues still occur whatever the length of licence. It is minimising and managing those risks that this report seeks to balance in being able to move to a 'lighter touch' for the trade in a measured way.
- 3.4 If Members thought it appropriate to set a length of service criteria before moving to either proposal, they may wish to consider these figures to assist in setting a start point.
- 3.5 A regular occurrence not revealed in these figures is the level of failures to report matters that are a condition of a Private Hire driver licence to the licensing office. These usually come to light at renewal times when licensing officers deal with renewal applications face to face. There are a range of issues uncovered, for example, criminal cautions, convictions, driving disqualifications.
- 3.6 Members may wish to consider whether the process should stay as it is (option 1); continue with a yearly check but with an easier renewal postal system (option 2) or move to a 3 year licence (option 3). Further narrative on the 3 options is set out below. The 'advantages' and 'disadvantages' of each option is set out at **Appendix 6**.
- 3.7 If Members have concerns about option 2 or 3 there is an opportunity to run a trial for the postal renewal option over a 15 – 18 month period for option 2. This time span would capture some of the first renewals under such a scheme. It might be considered that a trial period of 3 years for option 3 would be an unduly long period as the unfolding information would not be available until 2016/17.
- 3.8 When undertaking such a trial Members may wish to consider whether the preferred option would be more manageable to undertake with only licensed Hackney Carriage drivers, that being a more manageable number for a trial purpose.
- 3.9 Members will later need to consider the concerns of an adverse impact on community safety if strong control measures are not in place to ensure the close monitoring of the trade if the issuing of three yearly licences was to be adopted within this licensing district.
- 3.10 **Licences – Time Span**

- 3.11 **Appendix 6** sets out a sliding scale of how many drivers from both trades would be able to take such an opportunity of a postal renewal or a 3 year licence should Members impose a 'length of service' start point. The figures reveal that, subject to an appropriate licensing history, the majority of currently licensed drivers could benefit at whatever point Members thought would be an acceptable length of service for a starting point.
- 3.12 Not revealed in the Hackney Carriage driver figures at **Appendix 7** is the fact that many of the drivers with an apparently short licensing history have a previous licensing history as private hire driver's and so have more licensing history in Leeds than it appears.

### **3.13 The options**

#### **3.14 Stay as we are. (Option 1)**

- 3.15 All of the trade would continue to renew annually by visiting the office. Some Members may recall that the Section used to struggle with demand at the end of the month this was due mainly to an inflexible licensing computer which only permitted month end expiry dates. With a new licensing computer and additional staff that situation has improved significantly and licence expiry dates are staggered day by day throughout the month.
- 3.16 The Section has also changed its processing system and now only takes sufficient detail from an applicant to enable the licence to be fully processed in the back-office reducing the amount of time drivers spend at the counter. Two additional staff have been employed on a temporary basis and would need to remain in place for any of the three options to either continue or be replaced with the same quality of service at the counter.

#### **3.17 Annual postal renewals. (Option 2)**

- 3.18 There are a significant number of drivers from both trades who could take up this alternative opportunity in due course. There has been no opportunity to test how this would work within the authority and assessing the possible impact by using data from elsewhere is not as reliable as we would wish. A pilot for the Hackney Carriage trade would allow us to trial the new system and resolve any issues prior to applying the process to the much larger Private Hire trade.
- 3.19 To balance the benefits of longer term licences and the safety issues an alternative option could be that licences continue to be renewed annually but without the necessity to attend the licensing office each year by adopting a postal application service as set out below.

Year 1 - 3 months prior to expiry date of existing Hackney Carriage driver licence. DBS (CRB) and application for three year postal renewal process. Annual fees paid at this point. Licence issued by return of post on return of a satisfactory DBS (CRB) and declaration.

Year 2 - Licensing Office forward reminder by post 3 months prior to licence expiry with questionnaire and declaration of truth. Personally completes and

returns completed renewal application form, payment and DVLA mandate. (Payment can be by cheque or card payment over telephone). Following satisfactory checks licence issued by post.

Year 3 - Same as year 2.

Year 4 - Same as year 1.

3.20 To avoid DVLA licences being misplaced in the post etc (it is an essential part of the checking process) or held within the licensing office when the driver may need it, it is proposed to include a DVLA mandate requirement on each renewal.

3.21 There are no cost benefits to the Section and neither is the administrative process reduced, but in weighing the potential positives to all of the trade, it is considered to be an acceptable proposition.

### **3.22 Move to a three year licence. (Option 3)**

3.23 A difficulty in granting a three year licence is that Hackney Carriage driver's cannot in law have conditions imposed upon their licence after grant. It is perfectly possible for a Hackney Carriage driver to be convicted of an offence and not have to report that until the point of renewal. It is only at this point that Officers can require information and the driver is obliged to respond. Members may wish to consider if this is an acceptable position when the renewal occurs only every three years

3.24 If there is a breach of the spirit of the processes at option 2 or option 3 e.g. conflicts with the licensing process or the Councils policies, conditions or 'fit and proper' tests then the annual renewal by post could be withdrawn.

3.25 Some of the alternative proposals might not sit easily with all of the trade but by considering the application process as a necessary public safety control measure it would benefit drivers, not diminish public safety risk and leave the opportunity to extend the process at a later date. Similarly, the trial period might raise some resentment with the Private Hire trade but it is considered that a trial period is not just desirable but essential to allow a full assessment in a managed and safe way.

### **3.26 General matters**

3.27 This process would not change the existing renewal policy and exercise of discretion approved by the Council in October 2012 following public consultation, and the further acceptance of that policy by Licensing Committee on 12 March 2013.

3.28 The introductions of a three yearly Disclosure and Barring Service check (formerly CRB) is yet to be progressed and the anticipated final report to Licensing Committee is on hold awaiting the introduction of the proposed new vetting scheme by DBS. There is no firm date for the new DBS process but there may be the option to vary the process set out at paragraph 3.17 further to use the new Disclosure and Barring Service procedure and reduce requirements to attend the office even further by utilising the on-line checking service.

## **4 Corporate Considerations**

## **4.1 Consultation and Engagement**

4.1.1 There has been no public consultation on these proposals.

4.1.2 The proposals have been discussed with representatives from the Hackney carriage trade who were very supportive of a pilot scheme.

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

4.2.1 There are no adverse issues raised by the proposals.

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

4.3.1 The Taxi & Private Hire Licensing policies create the principles the Council will use to exercise its functions, mainly under the Local Government (Miscellaneous Provisions) Act 1976, but also under other associated Acts of Parliament. Applicants for licences are expected to read the policy before making their application and the Council will refer to the policy when making its decisions.

4.3.2 The Taxi & Private Hire Licensing policies contribute to the following aims:

### **By 2030, Leeds will be fair, open and welcoming**

- Local people will have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

4.3.3 The Taxi & Private Hire Licensing policies contribute to the following city priorities:

### **Best city ... for communities**

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

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

4.4.1 Members will be aware the Section is operating pro-actively on the streets but administratively it has been reactive due to the issues of staffing levels and the previous licensing system. The challenges and measures proposed and recommended in this report could be met by existing staff levels and within the existing licence fee structure until such time as the charges of other agencies change.

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

4.5.1 The relevant law is set within the Local Government (Miscellaneous Provisions) Act 1976. It is a statutory requirement of the Local Government (Miscellaneous Provisions) Act 1976, Section 51(1) and 59 (1) not to grant a licence:-

- (a) *Unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or*
- (b) *To any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.*

That statutory requirement is the same at the time of first application and subsequent renewals.

## **4.6 Risk Management**

- 4.6.1 There are no anticipated detrimental financial consequences caused by a more flexible renewal policy but the introduction of a 3 year licence would prevent an increase in licence fees once a licence had been granted until the point of renewal. Although it would be a matter of volumes, which cannot be assessed at present, it could present a financial risk. It might also raise the issue of different fees being applied for different licences.

## **5 Conclusions**

- 5.1 The request to have a three year licence across the trade does raise concerns for Members to consider and in reaching their decision would need to determine whether the alternative proposal could introduce an easier and safer process for appropriate drivers and that the trial period builds in sufficient safeguard to ensure staffing resilience.

## **6 Recommendations**

- 6.1 Members note the content of the report.
- 6.2 That Members consider all of the issues, making observations, and give consideration to a three month period of public and wider trade consultation being undertaken.
- 6.3 In the consultation process, the whole of this report would be released for consultation but Members should agree which option or combination of options they particularly wish to consult on.
- 6.4 Members may wish to contribute to the consultation process by indicating their preference for a length of service starting point on options 2 and 3.
- 6.5 Members note that a further report will be presented to the Licensing Committee for a final decision following consultation.

## **7 Background documents**

- 7.1 DfT Best Practice Guidance 2010 available at:

<http://assets.dft.gov.uk/publications/taxi-private-hire-licensing/taxi-private-hire-licensing-guide.pdf>



LEEDS LICENSED DRIVERS - BREAKDOWN BY RESIDENCE

Local Authority Consultation – 3 yearly licences

Does your authority issue 3 yearly licences?		
Local Authority	Yes	No
Birmingham	√	
Bradford	√	
Bristol	√	
Calderdale	√	
Kirklees		√
Manchester		√
Nottingham		√
Sheffield		√
Wakefield	√	

## Appendix 2

# LEEDS LICENSED DRIVERS – BREAKDOWN OF RESIDENCE

### LEEDS LICENSED DRIVERS - BREAKDOWN BY RESIDENCE

District	Hackney Carriage	Private Hire
Incorrect post codes	85	593
Allerdale District (B)		1
Barnet London Boro		1
Birmingham District (B)		2
Blackburn with Darwen (B)		1
Bradford District (B)	164	1280
Brent London Boro		1
Calderdale District (B)	1	46
Cambridge District (B)		1
City of Derby (B)	1	2
City of Leicester (B)		1
City of Peterborough (B)		1
City of Stoke-on-Trent (B)		1
Craven District		1
Doncaster District (B)		6
Dudley District (B)		1
East Riding of Yorkshire		2
East Staffordshire District (B)		1
Greenwich London Boro		1
Harrogate District (B)	1	5
Kirklees District (B)	56	461
Leeds District (B)	714	2595
Manchester District (B)		3
Merton London Boro	1	
Middlesbrough (B)	1	2
North Lincolnshire (B)	2	1
Pendle District (B)		4
Rochdale District (B)		1
Rossendale District (B)		2
Rotherham District (B)	1	2
Selby District	2	7
Sheffield District (B)		9
Slough (B)		1
Stafford District (B)		1
Wakefield District (B)	8	36
York (B)	1	1
<b>Total West Yorkshire (excluding Leeds)</b>	<b>230</b>	<b>1783</b>

SUSPENSIONS IN 2012

PROFILE BY LENGTH OF SERVICE

Private Hire Driver Suspensions	
No of years in force	No of licences
0 - 1	8
1 - 2	3
2 - 3	8
3 - 4	7
4 - 5	7
5 - 6	5
6 - 7	6
7 - 8	5
8 - 9	4
9 - 10	1
10 - 11	2
11 - 12	0
12 - 13	0
13 - 14	3
14 - 15	4
15 - 16	3
16 - 17	3
17 - 18	1
18 - 19	0
19 - 20	1
20 - 21	1
21 - 22	0
22 - 23	1
23 - 24	0
24 - 25	0
25 - 26	0
26 - 27	1
27 - 28	2

Hackney Carriage Suspensions	
No of years in force	No of licences
0 - 1	0
1 - 2	0
2 - 3	0
3 - 4	0
4 - 5	0
5 - 6	1
6 - 7	0
7 - 8	0
8 - 9	2
9 - 10	0
10 - 11	0
11 - 12	2
12 - 13	1
13 - 14	0
14 - 15	1
15 - 16	0
16 - 17	3
17 - 18	0
18 - 19	0
19 - 20	1
20 - 21	0
21 - 22	0
22 - 23	0
23 - 24	1
24 - 25	0
25 - 26	0
26 - 27	0
27 - 28	0

PROSECUTIONS IN 2012

PROFILE BY LENGTH OF SERVICE

<b>Private Hire and Hackney Carriage Prosecutions</b>	
<b>No of years in force</b>	<b>No of licences</b>
0 - 1	0
1 -2	0
2 -3	0
3 - 4	0
4 - 5	2
5 - 6	3
6 - 7	5
7 - 8	1
8 - 9	0
9 - 10	0
10 - 11	0
11 - 12	0
12 - 13	0
13 - 14	1
14 - 15	0
15 - 16	1
16 - 17	1
17 - 18	0
18 - 19	0
19 - 20	0
20 - 21	0
21 - 22	0
22 - 23	0
23 - 24	0
24 - 25	0
25 - 26	0
26 - 27	0
27 - 28	0

## Appendix 5

### Number of Private Hire Driver Licences revoked by year and the number of years they were in force

Number of years in force	Licence revocation year						Total number of licences revoked
	2008	2009	2010	2011	2012	2013	
0 - 1	3	2	1	1			7
1 - 2	4	7	7	1	4		23
2 - 3	7	7	7	3	1		25
3 - 4	2	5	5	3	2		17
4 - 5	2	7	9	4	4		26
5 - 6	4	4	7	2	3	1	20
6 - 7		3	1	5	3		12
7 - 8	2	2	2	2	4		12
8 - 9	2		1	1	2	2	6
9 - 10	3	2		1	1	2	7
10 - 11	4	2		2			8
11 - 12		2	4		1		7
12 - 13		2					2
13 - 14	1	1		3	1		6
14 - 15		1	2	1	1		5
15 - 16	1			1	1		3
16 - 17		1		1	1		3
17 - 18				2		1	2
23 - 24		1					1
24 - 25			1				1
25 - 26					1		1
26 - 27	1						1

### Number of Hackney Carriage Licences revoked by year and the number of years they were in force

Number of years licensed	Licence revocation year						Total number of licences revoked
	2007	2008	2009	2010	2011	2012	
1	1				1		2
2		2					2
3	1			1			2
4			1				1
5			3	1			4
6		1		1			2
8			1	1			2
9		1	1				2
10			1		1	1	3
12						1	1
13			1				1
14	1						1
18				1			1
20	1						1
22					1		1
25				1			1
28				1			1

## Appendix 6

(option 1)

**Stay as we are**

<b>Advantages</b>	<b>Disadvantages</b>
Can be aligned to 3 yearly DBS checks	Less opportunity for reduced footfall with staffing levels needing to be consistent
Improved quality and service delivery by staff	Drivers have to travel to renew licence
Annual safety checks stay in place	
Section's revenue remains manageable	
Face to face on the spot integrity checks available on submitted information	
Problem resolution with renewal information could become less time consuming	

(option 2)

**Improved Postal Renewal Process**

<b>Advantages</b>	<b>Disadvantages</b>
Reduced footfall in licensing office	Potential loss of documents in post
Drivers need not attend licensing office as frequently	Drivers submit incomplete information delaying the renewal process
Can be aligned to 3 yearly DBS checks	DVLA mandate required from driver every 3 years (extra £7 charge)
Improved quality and service delivery by staff	Face to face on the spot integrity checks not available on submitted information
Annual safety checks stay in place	Problem resolution with renewal information could become more time consuming
Section's revenue remains manageable	
Annual licence fee outlay for drivers remains the same	

## Appendix 6

(option 3)

### 3 Year Licence

<b>Advantages</b>	<b>Disadvantages</b>
Reduced footfall in licensing office	Large financial outlay to drivers for 3 year licences
Drivers need not attend licensing office as frequently	Revenue risk – unable to adjust licence fees mid-term
Can be aligned to 3 yearly DBS checks	Reduced safeguards with less administrative checks particularly to the public and Council contracts
Improved quality and service delivery by staff	Potential reduction of public confidence with less safety checks
Less risk of increased licensing staff costs	Problem resolution with renewal information could become more time consuming

## Appendix 7

<b>Length of time current Private Hire Drivers licences have been in force</b>	
<b>Number of years in force</b>	<b>Number of Licences</b>
0 - 1	24
1 - 2	214
2 - 3	271
3 - 4	223
4 - 5	423
5 - 6	476
6 - 7	479
7 - 8	473
8 - 9	403
9 - 10	310
10 - 11	207
11 - 12	143
12 - 13	152
13 - 14	110
14 - 15	188
15 - 16	165
16 - 17	162
17 - 18	122
18 - 19	88
19 - 20	59
20 - 21	32
21 - 22	46
22 - 23	45
23 - 24	39
24 - 25	35
25 - 26	35
26 - 27	37
27 - 28	10
28 - 29	11
29 - 30	6
30 - 31	1
31 - 32	5
32 - 33	4
33 - 34	3
34 - 35	7

<b>Length of time current Hackney Carriage Drivers licences have been in force</b>	
<b>Number of years in force</b>	<b>Number of Licences</b>
0 - 1	2
1 - 2	21
2 - 3	38
3 - 4	42
4 - 5	31
5 - 6	26
6 - 7	56
7 - 8	52
8 - 9	44
9 - 10	62
10 - 11	113
11 - 12	61
12 - 13	50
13 - 14	51
14 - 15	55
15 - 16	39
16 - 17	26
17 - 18	38
18 - 19	40
19 - 20	18
20 - 21	6
21 - 22	10
22 - 23	11
23 - 24	15
24 - 25	13
25 - 26	17
26 - 27	10
27 - 28	8
28 - 29	11
29 - 30	20
30 - 31	6
31 - 32	5
32 - 33	4
33 - 34	7
34 - 35	1
35 - 36	5
36 - 37	1
37 - 38	4
38 - 39	1
43 - 44	2
48 - 49	1



