

Please Note the meeting begins at 10.30am

LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 6TH NOVEMBER, 2018 AT 10.30 AM

MEMBERSHIP

- N Buckley - Alwoodley;
R Downes - Otley and Yeadon;
B Flynn - Adel and Wharfedale;
B Gettings - Morley North;
M Harland (Chair) - Kippax and Methley;
G Wilkinson - Wetherby;
A Garthwaite - Headingley and Hyde Park;
K Groves - Middleton Park;
H Bithell - Kirkstall;
P Drinkwater - Killingbeck and Seacroft;
B Garner - Ardsley and Robin Hood;
G Harper - Little London and Woodhouse;
J Heselwood - Bramley and Stanningley;
C Knight - Weetwood;

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <ul style="list-style-type: none"> 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence (If any)</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To consider and approve the minutes of the previous meeting held on 2nd October 2018.</p> <p>(Copy attached)</p>	1 - 6
7			<p>MATTERS ARISING FROM THE MINUTES</p> <p>To consider any Matters Arising from the Minutes.</p>	
8			<p>LEEDS CLEAN AIR CHARGING ZONE (CAZ): TAXI AND PRIVATE HIRE SUPPORT PACKAGES</p> <p>To consider a report by the Director of Resources and Housing which informs Members of the specific issues affecting the Taxi and Private Hire sector as a result of the introduction of the CAZ and provides information about the proposed support packages.</p> <p>(Report attached)</p>	7 - 14

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>RECOMMENDATIONS OF LEEDS CITY COUNCIL WORKING GROUP - DRIVER CONDITIONS</p> <p>To consider a report by the Chief Officer, Elections and Regulatory which sets out the draft revised policies and guidance to applying for or renewing a driver licence, following a working group, a consultation, and guidance from the LGA/NAFN.</p> <p>The report also highlights the areas where the council's current policies, conditions and guidance will be changed should the proposed changes be approved.</p> <p>(Report attached)</p>	15 - 124
10			<p>DEPARTMENT OF TRANSPORT TASK AND FINISH GROUP REPORT ON TAXI AND PRIVATE HIRE VEHICLE LICENSING</p> <p>To consider a report by the Chief Officer, Elections and Regulatory which sets out the recommendations of the Department of Transport Task and Finish Group established to review legislation around Taxi and Private Hire Vehicle Licensing.</p> <p>(Report attached)</p>	125 - 202
11			<p>LICENSING COMMITTEE WORK PROGRAMME 2018/19</p> <p>To consider the contents of the Licensing Committee Work Programme for 2018/19.</p> <p>(Report attached)</p>	203 - 206
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Tuesday, 4th December 2018 at <u>10.30am</u> in the Civic Hall, Leeds.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<p>Third Party Recording</p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	
2				
a)				
b)				

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Agenda Item 6

Licensing Committee

Tuesday, 2nd October, 2018

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, R Downes, B Flynn, G Wilkinson, A Garthwaite, K Groves, H Bithell, P Drinkwater, J Heselwood and C Knight

51 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

52 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the nature of the business to be considered.

53 Late Items

Although not a late item, the Committee did accept the inclusion of supplementary information in respect of Item No.8 "Licensing Act 2003 Statement of Licensing Policy", Minute No.58 referred.

54 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

55 Apologies for Absence

Apologies for absence were received from Councillors: B Garner and G Harper.

56 Minutes of the Previous Meeting

The Minutes of the previous meeting held on 4th September 2018 were submitted for consideration/ approval.

RESOLVED – That the Minutes of the meeting held on 4th September 2018 be accepted as a true and correct record.

57 Matters Arising from the Minutes

Leeds Festival 2018 - With reference to the meeting of 14th August 2018 and the decision to approve the event management plan for the Leeds Festival 2018.

During consideration of this item it was suggested by one Member that "sniffer dogs" be used to assist in the detection of drugs.

Draft minutes to be approved at the meeting
to be held on Tuesday, 6th November, 2018

Media reports following the event suggested that the use of the dogs had been a huge success with a number of drug confiscations been made.

RESOLVED – To welcome and acknowledge the suggestion made by a Member of the Committee to use “sniffer dogs” at the Leeds Festival

58 Licensing Act 2003 Statement of Licensing Policy

The Chief Officer Elections and Regulatory submitted a report which sought acceptance of the final Statement of Licensing Policy, the Cumulative Impact Assessment, the Consultation Response document and the ECDI Impact Assessment.

Appended to the report were copies of the following appendices:

- The Final Policy (Appendix No.1 referred)
- The Cumulative Impact Assessment (Appendix No. 2 referred)
- Consultation Response Document (Appendix No.3 referred)

The Principal Licensing Officer, Communities & Environment explained the background to the report, the main issues to be considered and then spoke in detail about the results of the public consultation, addressing each of the 30 responses received and the proposed changes made to the policy as a consequence.

Referring to responses Nos: 4 – 9, Members sought clarification as to the proposed changes to the Headingley Cumulative Impact Policy.

In responding the Principal Licensing Officer said the cumulative impact assessment demonstrated there was a lack of evidence to justify identifying part of the Headingley area as a cumulative impact area. There was a lack of reported incidences and occurrences that demonstrated there was a cumulative impact of licensed premises in the area along the Otley Road.

Members suggested that there may be an impact on local residents as a consequence of the “Otley Run”

In responding the Principal Licensing Officer said incidences of public nuisance should be reported to the police to ensure they were logged.

Referring to responses Nos: 16 – 27, Members suggested that there appeared to be significant issues in the Harehills area around: alcohol sales, street drinking, instances of public nuisance/ anti - social behaviour, and asked how this would be addressed.

The Principal Licensing Officer explained the current policy consultation included Harehills in the cumulative impact assessment. This assessment identified the area including Harehills Lane and Harehills Road in a cumulative impact area which would allow Members of the Licensing Committee to consider cumulative impact of the other licensed premises in the locality when making determinations for applications

in this area. Where the consultation responses had indicated specific problems, the relevant sections of the council would be informed.

Members requested if a report, addressing the specific issues identified in the consultation responses could be brought back to a future meeting of the Licensing Committee.

Officers confirmed that the Licensing Committee's request for a further report would be referred to the appropriate Team (s) within the authority.

Referring to response No. 29, specifically around planning and the suggestion that the policy should reflect the fact that licensing and planning were separate regimes which over-lapped in terms of the licensing objectives and planning's amenity remit. It was highlighted that the applicant needs to understand that both regimes need to be complied with.

In responding the Principal Licensing Officer said it was recognised that more harmonisation was required around planning and licensing regimes within the same authority but each department had its own priorities. Officers from both departments would continue to work closely to achieve the best outcomes.

In drawing the discussion to a conclusion the Chair thanked Officers for their hard work in pulling together such a comprehensive report.

RESOLVED –

- (i) That the final Statement of Licensing Policy, the Cumulative Impact Assessment, the Consultation Response document and the ECDI Impact Assessment be accepted.
- (ii) That the final Statement of Licensing Policy be referred to Council for approval
- (iii) That a report addressing the specific issue referred to in Harehills & Gipton be the subject of a further report back to this Committee in December

59 West Yorkshire Combined Authority Project to Harmonise Taxi & Private Hire Vehicle and Driver Conditions Across West Yorkshire and York

The Chief Officer Elections and Regulatory submitted a report which provides an update on progress in aligning ("harmonising") taxi and private hire vehicles and driver conditions across West Yorkshire and City of York with a view to improving passenger safety.

Appended to the report were copies of the following appendices:

- The draft West Yorkshire and York convictions and suitability policy (Appendix No.1 referred)
- The draft driver training policy (Appendix No. 2 referred)

Draft minutes to be approved at the meeting
to be held on Tuesday, 6th November, 2018

The Taxi & Private Hire Licensing Manager, Communities & Environment explained the background to the report, the main issues to be considered and then spoke in detail about the opportunities for harmonisation which included the following:

- CCTV in vehicles
- Convictions policy
- Vehicle specification
- Driver training
- Information sharing between authorities
- Effective cross-border enforcement

Referring to the installation of CCTV in taxi and private hire vehicles, Members queried if it was a mandatory requirement for all local authorities.

Members were informed that currently the use of CCTV in vehicles was voluntary.

Members expressed surprise that currently there was no local supplier for installation/ maintenance of CCTV equipment.

In responding the Taxi & Private Hire Licensing Manager said there was no supplier that met the current Leeds City Council standards, moving forward any such standard would require the agreement of all 6 local authorities under the harmonisation proposals. A further consideration was how CCTV data was retrieved/ stored and used, guidance on this issue may be required from the Information Commissioner.

Members pointed out that bus operators and the fire service already had CCTV systems operational in their vehicles and suggested that such organisations be contacted to gain a further understanding of procurement/ maintenance and data management.

Reference was made to the convictions policy, in particular the offence of death or serious injury and the proposal to refuse a licence indefinitely. Members queried if it was possible, under these circumstances for a driver to be granted a licence.

In responding the Taxi & Private Hire Licensing Manager said that in applying for a licence the applicant would need to demonstrate that they were a fit and proper person to hold a licence and provide necessary evidence.

It was the general view of Members that the policy should be identical across the region.

Referring to vehicle specification the Taxi & Private Hire Licensing Manager reminded Members that a working group had been established to review vehicle conditions; looking at the issue of safety, vehicle standards and with a view to encouraging more hybrid and electric vehicles. It was reported that the first meeting of the group would take place in the next few days.

Reference was made to the proposed Clean Air Zone (CAZ) with Members querying how out of town hackney carriage and private hire vehicles entering the CAZ would be identified and charged

In responding officers said that vehicles would be identified through the establishment of a National Database for hackney carriage and private hire vehicles which should be operational by 2020.

Commenting on driver training Members expressed the view that minimum standards must include literacy training, one Member suggesting that they would be supportive of the ESOL Entry Level 3 (or at level 2 if written)

A few Members expressed concern about the Local Knowledge Test commenting that on occasions drivers had no knowledge of the local area.

In responding the Taxi & Private Hire Licensing Manager said the test included questions specific to an area and the use of an A - Z map. In respect of literacy, there were numerous other checks to assess the level of understanding.

Commenting on the information sharing, the Taxi & Private Hire Licensing Manager said there was some national legal considerations that needed to be taken into account as part of the harmonisation process, some existing case law did not help and clear guidance was required.

Referring to effective cross-border enforcement, Members queried if other local authorities had the capacity/ resources to undertake effective cross border enforcement activities.

In responding the Taxi & Private Hire Licensing Manager said all 6 local authorities had agreed the same policy but not all had the same capacity/ resources, but it was likely that the burden of traffic would head for Leeds.

Members queried if officers from other authorities undertook taxi and private hire enforcement operations in the Leeds area.

Officers confirmed that approximately every 4 – 6 weeks officers from other local authorities were involved in enforcement operations in Leeds.

In drawing the discussion to a conclusion the Chair thanked officers for their report and welcomed the contributions made by Members.

RESOLVED –

Draft minutes to be approved at the meeting
to be held on Tuesday, 6th November, 2018

- (i) That the contents of the report be noted and the suggested way forward be supported.
- (ii) To support the priority areas identified for harmonising policies and conditions, or establishing common minimum standards.
- (iii) To support the consultation on the two harmonised policies during October, November and December 2018

60 Licensing Committee Work Programme 2018/19

Members considered the contents of the Licensing Committee Work Programme for 2018/19 and following decisions made earlier in the meeting requested that the following issues be added to the work programme:

- Taxi and Private Hire Vehicle Licensing - Step Towards a Safer and More Robust System (November 2018)
- Harehills & Gipton Action Report – Communities Team (December 2018)

RESOLVED – That subject to the inclusion of the above the contents of the Licensing Committee Work Programme for 2018/19 be approved

61 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 6th November 2018 at 10.30am in the Civic Hall, Leeds.



Report author: Emma Slater

Tel: 0113 37 81761

Report of Project Manager, Sustainable Energy and Air Quality (SEAQ) Report to Licensing Committee

Date: 6 November 2018

Subject: Leeds Clean Air Charging Zone (CAZ): Taxi and private hire support packages

Are specific electoral wards affected?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, name(s) of ward(s):	
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 Council is under a ministerial direction to provide a Full Business Case (FBC) to government which sets out detailed proposals for a scheme to deliver compliance with the legal limit value for nitrogen dioxide in the shortest possible time (subject to its legal and statutory obligations and in accordance with public law principles). The Council has undertaken consultation on a proposed scheme during which it has heard representations from numerous parties with varying views. The outcome of the consultation process has been reflected where possible in the revised proposal, consistent with our legal obligations. The proposal that the Council is recommending for approval is a Clean Air Charging Zone (CAZ), category B with additional measures, that will impose charges on those buses, coaches, Heavy Goods Vehicles (HGVs) as well as taxi and private hire vehicles which are not compliant with the required emission standards.
2. Significant concern has been raised by those impacted about the financial impact on their businesses because in many cases, they will need to replace their vehicles earlier than they would have planned and customers driving non-compliant vehicles may also choose to take their business elsewhere. Not only would this adversely affect the concerned business, there are potential ramifications for the economic performance of the City. For this reason the Council is asking for £27 million (based on our current best estimates) from the government's Clean Air Fund to provide mitigation assistance to the sectors that are impacted.
3. As part of our proposal the Council is requiring the taxi and private hire sector to meet emissions standards that are higher than the national standards. On this

basis a range of financial support packages have been developed to assist impacted drivers.

4. The CAZ will improve public health by addressing the issue of air quality in the city. Both long- and short-term exposure to air pollution are known to adversely affect health. Short-term exposure (over hours or days) to elevated levels of air pollution can cause a range of negative effects including exacerbation of asthma, effects on lung function, increases in hospital admissions and mortality. Epidemiological studies have shown that long-term exposure (over several years) reduces life-expectancy, mainly due to increased risk of mortality from cardiovascular and respiratory causes and from lung cancer.

Recommendations

- To note the content of this report

1. Purpose of this report

- 1.1 This report informs the Licensing Committee of the specific issues affecting the Taxi and Private Hire sector as a result of the introduction of the CAZ and provides information about the proposed support packages.

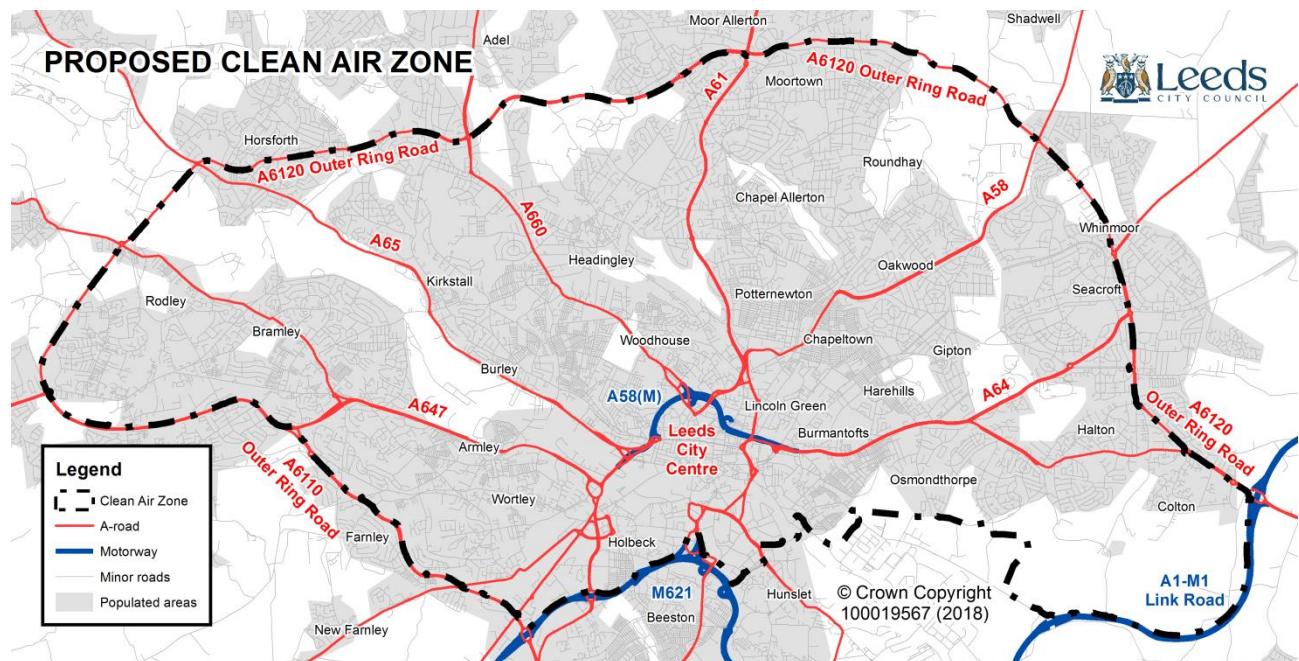
2. Background information

- 2.1 In June 2018 a report was bought to the Executive Board that outlined the proposed air quality solution for Leeds. Based on the National Clean Air Zone Framework, a CAZ B was proposed, which introduced a charge for buses, coaches, HGV's and taxi/private hire vehicles entering the CAZ that do not meet pre-determined emission standards.
- 2.2 In July 2018 a second report was brought to the Executive Board that further clarified the citywide approach to improving air quality.
- 2.3 On 17 October 2018 the final CAZ proposals were presented to Executive Board.

Main Issues

3. CAZ Boundary

- 3.1. The revised CAZ Boundary Map is featured below. The key change is the relocation of the outer boundary to the northern side of the M621 and the Enterprise Zone. Traffic modelling analysis demonstrates that reducing the boundary does not result in any displacement and areas south of the M621 still stand to benefit from cleaner vehicles entering the CAZ.



- 3.2 The statutory consultation period ran between 29th June and 12 August 2018, during which consultation participants were asked to complete a questionnaire. We received 3532 questionnaire responses.

3.3 The business responses to the questionnaire were low when compared to the volume of responses from the public (6% businesses v 94% public). However, there have been numerous trade specific events held during both stages of consultation and some of the key concerns raised at these events are highlighted in the following sections.

4 Taxi/Private Hire Sector consultation summary

4.1 The proposed CAZ requires the taxi and private hire sector to be either petrol hybrid, electric or petrol Euro 5/6 with an LPG conversion.

4.2 During the sector specific consultation events held during the second phase of consultation the sector raised the following key issues about the CAZ proposal:

- The timescale for implementation is too short;
- The Council should adopt the national standard, not the higher requirement for taxi and private hire of petrol hybrid or electric;
- Work needs to be done to ease licensing conditions at Leeds City Council in order to prevent drivers having greater costs than those in surrounding authorities
- Maximum age of vehicles at the point they are first licensed should also be increased to increase the pool of potential second hand vehicles drivers may purchase to become CAZ compliant;
- Size of petrol-hybrid and electric vehicles has been raised as an issue. The majority cannot be used for some common taxi and private hire functions such as airport runs due to limited storage capacity;
- Market availability of petrol-hybrids in the second hand market is limited. A suggestion was made that LPG should also be adopted;
- Would prefer the full £3000 of grant funding towards electric vehicles to be extended towards petrol-hybrid as well as they are currently a more viable option based on the limited range capabilities of electric only vehicles;
- Asked for the grant and loan to be made available upfront rather than retrospectively;
- Representation was made on the basis that the support packages should be made available to individual drivers only, or at least be limited to a certain amount of vehicles per applicant. This, it was argued, would be to prevent larger companies claiming a majority of the funding, to the detriment of drivers who owned their own vehicles;
- Limited availability of electric charge points across Leeds makes electric vehicles a more problematic consideration and less of a viable option.

5 Charging Regime and Exemptions

5.1 The table below details the proposed CAZ charging regime:

Category	Original proposed charge	New proposed charge
Buses, coaches & HGVs	£100 per day	£50 per day
Taxi & Private Hire Vehicles	£12.50 per day	£12.50 per day (non-Leeds licensed drivers)

£12.50 per day or £50 per week (Leeds licensed drivers only)

5.2 Government is in the process of developing a national database of taxi and private hire drivers. This will ensure the preferential charging rates for Leeds licensed drivers can be implemented.

5.3 The following sector specific Exemptions were developed in response to the consultation feedback:

Vehicle Type	Detail
Wheelchair Accessible Taxi and Private Hire Vehicles (WAV)	WAVs will be exempt from CAZ charges until 31 st December 2021. WAVs will need to be Euro 6 by 31 st December 2021.
8+ passenger Taxi and Private Hire vehicles	8+ passenger taxi and private hire vehicles will be exempt from CAZ charges until 31 st December 2021. 8+ passenger vehicles will need to be Euro 6 standard by 31 st December 2021.
Euro 6 diesel, or Euro 4 petrol already licenced	Already licenced by 17th October 2018 Euro 6 diesel, or Euro 4 petrol will be exempt until 31 st December 2021. Charges will apply from 1 st January 2022.
Finance Sunset Period	Owners of taxi and private hire vehicles in an existing financial agreement (prior to 17th October 2018) where early replacement of vehicles is not possible. A sunset period will apply until the end of the finance deal <u>or</u> 31 st December 2021, whichever is soonest.

6 Transition Grants/ Interest Free Loan Scheme information

Rationale for introduction of support packages:

6.1 There is a clear requirement for the authority to provide schemes that will support the taxi and private hire sector in upgrading vehicles. Analysis of the demographic of drivers in this sector clearly indicate that they are typical from areas of social deprivation and often are on lower than average incomes. This means that many such drivers face barriers to accessing finance, or raising capital even if future fuel savings are available.

6.2 Leeds licensed taxi drivers are subject to stringent rules when it comes to licensing a vehicle. The salient points are summarised in the bullet points below:

- A vehicle being licensed for the first time must not be older than 5 years from the date of first registration on the v5 (1 year for Executive vehicles).
- Vehicles can be relicensed for a further 7 years from the date of first registration¹.
- The maximum lifespan of a vehicle operated as a non-executive taxi/private hire is no longer than 7 years.

6.3 Therefore, drivers need to cover the whole life cost of the vehicle and make a living to make running a taxi a worthwhile endeavour. This means that in the majority of cases, vehicles are 'ran into the ground' once licensed as a taxi. This trend is compounded by the resale value of vehicles that have been used as taxis, depreciation of these vehicles is in the realms of 100%.

¹ Existing vehicle licenses can be extended beyond 7 years subject to certain criteria. Information can be found here: <https://www.leeds.gov.uk/docs/Extension%20to%20the%20Age%20Criteria%20Condition.pdf>

6.4 Analysis of the second hand market demonstrates that in asking drivers to make the change the cost of purchasing a CAZ compliant car is significantly more expensive on a like for like basis. The cost is comparable when comparing older compliant cars against newer non-compliant cars, for example, a 2012 Petrol Hybrid Vs a 2015 Euro 6 diesel. While the fuel savings offer payback over time this doesn't address the requirement for drivers to have access to capital upfront. In addition we are asking a proportion of drivers to change the vehicle prematurely which also results in a financial loss.

Grants:

6.5 The grant is based on supporting the transition costs of ultra-low emission vehicles (ULEV) in order to support drivers who want to replace non-compliant vehicles. The grant can only be claimed once the CAZ compliant vehicle has been purchased and licensed and the grant is claimed as cashback.

6.6 The grant is based on estimated driver costs such as; driver licensing fees, including DVLA and DBS checks, vehicle licensing costs and other cost such as stickers, meter checks and fitting and service/insurance costs. This grant is designed to lower the effect of these costs and to support the move from older, higher emission vehicle ownership to licensing of ultra-low emission vehicles.

6.7 This scheme would deliver cash back grants using the rules below:

Vehicle Options (new and second hand)	Description	Potential Grant Value
Full Electric	A vehicle which is powered only by a battery charged from the electricity grid.	£3000
Full Hybrid	A vehicle which is powered by an Internal Combustion Engine and can be powered solely using a battery and electric motor. The battery cannot be plugged in, and is charged by driving. (Minimum Euro 4 Petrol).	£1500

6.8 Leeds has already been awarded £700k from the Clean Air Fund for the first stage of the Transition Grant scheme, with a secondary, larger pot of money being asked for in the Full Business Case.

Loan scheme:

6.9 The loan scheme has been designed to assist drivers in accessing capital upfront to change their non-compliant vehicle to one that is compliant. Key features of the scheme are:

- Max value £10,000 per applicant
- Interest free
- Repayable over 4 years
- Second hand cars can be purchased
- Can work in conjunction with the Transition Grant.

6.10 Take up is anticipated to be in the region of 2400 applications.

6.11 SEAQ are working towards having the loan scheme implemented in early 2019, to allow adequate time for drivers to go through the application process and source a suitable vehicle prior to the CAZ being implemented in January 2020.

5. Corporate considerations

5.1 Consultation and engagement

- 5.1.1 The CAZ consultation process has been extensive, and has taken place over two phases. Numerous sector specific events have been hosted to hear concerns from affected sectors.
- 5.1.2 The full outcomes of the CAZ consultation are appended to the 17 October Executive Board paper.

5.2 Equality and diversity / cohesion and integration

- 5.2.1 An Equality Impact Assessment has been carried out for the entire CAZ proposal. This can also be found appended to the 17 October Executive Board report.

5.3 Council policies and best council plan

- 5.3.1 The importance of air quality as an issue is reflected in the Council's vision under our Best Council Plan. Our vision is for Leeds to be a healthy city in which to live, work and visit and we are working with partners to reduce emissions which will bring about health and wellbeing benefits including reducing premature deaths, improving health, promoting physical activity and reducing obesity levels.
- 5.3.2 The Leeds Public Transport Improvement Programme is working to make improvements to the bus and rail networks which will enable reductions in congestion and greater modal shift, supporting a reduction in emissions.
- 5.3.3 We are raising general health and environmental standards across the city through the promotion of walking and cycling.

5.4 Resources and value for money

- 5.4.1 As part of the Full Business Case submission, the Council will be requesting £12 funding from the Clean Air Fund to support the taxi and private hire sector.

5.5 Legal implications, access to information, and call-in

- 5.5.1 All legal implications related to the CAZ are recorded in the 17 October Executive Board report.

5.6 Risk management

- 5.6.1 As the Council is currently considering the potential for providing the capital for the taxi and private hire loans, it should be noted that there are a number of risks associated with this. Although it is anticipated that Government will cover the cost of

interest, bad debt and administration of the loans, it is critical that the Council properly assess these costs in order to ensure that all its potential costs and losses are covered.

- 5.6.2 Research has been undertaken to assess likely levels of bad debt when lending to self-employed drivers, often with lower than average credit ratings. Any unfunded bad debt will be the council's risk to cover. An effective enforcement process would also have to be in place to ensure that bad debt is minimised.
- 5.6.3 The consumer credit market is highly regulated and as a result the council is working closely with a legal advisor to ensure that the scheme is compliant with all requirements.
- 5.6.4 The best route to provide the loan administration function is still being explored to determine how best value for money balanced against minimal risk exposure can be achieved.
- 5.6.5 Due to the complexity of delivering the loan scheme, the proposed "go live" of early 2019 is acknowledged as being incredibly challenging.

6. Conclusions

- 6.1 The proposed clean air charging zone achieves compliance in the shortest possible time whilst complying with its legal and statutory obligations and in accordance with public law principles. It has also sought to mitigate the economic impact on the city.
- 6.2 The support packages described in this paper will assist drivers in making the required transition to meet the requirements of the forthcoming CAZ.

7. Recommendations

- 7.1 To note the contents of this report.

8. Background documents²

- 8.1 17 October 2018 Executive Board paper.

² The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.



Report of Chief Officer, Elections and Regulatory

Report to Licensing Committee

Date: 6 November 2018

Subject: Recommendations of Leeds City Council working group – Driver Conditions

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- 1 This report updates Licensing Committee on the recommendations for the following revised driver conditions following a working group earlier in 2018.
 - A guide to obtaining a licence
 - Standard conditions attached to a private hire drivers licence
 - Standard conditions attached to a private hire executive driver licence
 - Standard conditions attached to a private hire stretched limousine driver's licence
 - Conditions attached to a private hire novelty trike drivers licence
 - Three year licence policy
 - Medical exemption policy
 - Plying for hire policy
- 2 The working group recommendations were the subject of consultation during June and July 2018.
- 3 The revised draft guidance to applying for or renewing a driver licence has been prepared, following the consultation. The guidance also includes reference to the Local Government Association / National Anti Fraud Network (LGA/NAFN) database of refused and revoked licence holders.

Recommendations

1. That members note the information in this report.
2. That members recommend for approval the proposed changes to the policies.

1 Purpose of this report

- 1.1 To inform committee members of the draft revised policies and guidance to applying for or renewing a driver licence, following a working group, a consultation, and guidance from the LGA/NAFN.
- 1.2 To highlight to committee members the areas where the council's current policies, conditions and guidance will be changed should the proposed changes be approved.

2 Background information

- 2.1 Leeds City Council has responsibility for licensing Hackney Carriage (taxi) vehicles, drivers and proprietors, Private Hire and Executive vehicles, drivers, and operators within the city. The council's primary focus is the safety of the travelling public.
- 2.2 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.
- 2.3 The council's policies and conditions are proposed 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 licences 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.
- 2.4 Committee members will be aware that the UK taxi and private hire industry is rapidly changing, although much taxi and private hire law has changed little since the 1970s. In order to continue to keep the travelling public safe, the council's policies and conditions also need to keep pace with new developments, particularly the rise of cross border working (drivers and vehicles licensed in one area and working predominantly in another), the growth in use of smartphone apps enabling customers to book and pay for journeys. 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.
- 2.5 In October 2017, Licensing Committee approved a plan to review the many (more than 40) policies and conditions relating to taxi and private hire licensing in the following themes:
 - Update and simplification of **driver** policies and conditions (12 driver policies, conditions and guidance);
 - Update and simplification of **vehicle** policies and conditions (11 vehicle policies, conditions and guidance);
 - Update and simplification of **operator and proprietor** policies and conditions (5 operator/proprietor policies, conditions and guidance);

- **Safeguarding and safety** policies and conditions (15 policies, conditions and guidance);
 - **Harmonisation** of some policies and conditions across West Yorkshire and City of York to narrow the gap between different authorities and for more effective cross-border enforcement;
 - Development of a **Clean Air Zone** for public health reasons in 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.
- 2.6 The first of the working groups met between January and April 2018. The contributors to the working group were drawn from a wide range of stakeholders, listed below. The contributors were invited to attend and/or contribute to the working group because it was believed that their different perspectives and experiences could help inform the development of revised or new policies and conditions:
- Councillors;
 - Driver's groups/trade union;
 - Disabled people/passengers;
 - Hackney carriage associations/trade union;
 - Older people/passengers;
 - Operators (private hire companies);
 - Staff; and
 - West Yorkshire & York taxi and private hire harmonisation project;
- 2.7 In addition, extra meetings were held with West Yorkshire Police, Leeds City Council Highways and Leeds City Council Parking Enforcement, to discuss areas of concern raised at the first working group, but not within the scope of the policy review:
- Bus lanes;
 - Bus stops and parking enforcement;
 - Safe pick up and drop off locations in Leeds city centre; and
 - Stone throwing at taxi and private hire vehicles.
- 2.8 The recommendations of the working group were then the subject of consultation with the Taxi and Private Hire trade and the public during June and July 2018.
- 2.9 The council received guidance from the LGA about how a national database of refused and revoked licence holders would be used. The guidance is attached at **Appendix 2**.

3 Main issues

Driver Conditions

- 3.1 The council's seven policies for drivers were reviewed. A revised set of policies, prefaced with a new guide to applicants if the recommendations were to be adopted are shown at **Appendix 1**.
- A guide to obtaining a licence
 - Standard conditions attached to a private hire drivers licence
 - Standard conditions attached to a private hire executive driver licence
 - Standard conditions attached to a private hire stretched limousine driver's licence
 - Conditions attached to a private hire novelty trike drivers licence
 - Three year licence policy
 - Medical exemption policy
 - Plying for hire policy
- 3.2 No major changes to the driver conditions are recommended.
- 3.3 A number of comparatively minor changes are recommended.
- **Medical circumstances** – added link to gov.uk webpage on medical rules for all drivers.
 - **Requirement to report convictions and associated incidents** – added 'any Police interview'. One consultation response questioned this addition, see the table of responses in 3.7.
 - **Conduct of driver** – added 'e-cigarettes and vaping' to list of not smoking in the licensed vehicle. Added 'headset or Bluetooth' to list of devices only to be used in emergency circumstances. One consultation response questioned this addition, see the table of responses in 3.7.
 - **Passenger** – added link to more clearly explain the gov.uk car seat rules.
 - **Fare to be demanded** – added reference to 'operator's approved GPS device'.
 - **Lost property** – added note for lost items to be delivered by drivers to Elland Road Police Station. One consultation response questioned this addition, see the table of responses in section 3.7.
 - **Three year driver licences** – the additional requirement for five years' good service could be removed, the council could now comply with the requirement in the Deregulation Act 2015 for standard three year licences, now that all drivers had valid and up to date enhanced DBS checks and had attended CSE Safeguarding training.
- 3.4 Two areas were discussed, but ultimately not recommended.
- **Driver licences / change of operator**– there was some detailed discussion about this matter, and a strong difference of opinion.
 - The council had received a number of requests from drivers asking if they could work for more than one operator, as they were sometimes not earning enough from working for one operator. The current policy

makes reference to ‘The Operator’ in sections of the Driver Conditions, implicitly stating that drivers could only work for one operator. The working group heard that some other councils, such as Bradford MDC, allow drivers to work for more than one operator, but no more than two operators, and displaying dual livery for both operators on the vehicles. The working group heard that the council’s focus on passenger safety states that vehicle livery should be very clear and unambiguous and permanently fixed to the vehicle (i.e. not attached via magnetic strips which clip on and off). Representatives from one driver’s group/union on the working group stated that by restricting the ability of a driver to work for more than one operator, the council was siding with operators against drivers.

- If the council were to consider relaxing the condition and allow a driver to work for more than one operator, it would not be possible for the driver to use the same vehicle and have either dual livery or temporary livery. The working group heard that for drivers wishing to supplement their income, school contracts could be an alternative source of employment. The councillors on the working group responded stating that the safety of the public is paramount, in this case, to know who the operator is for each vehicle, and to avoid two passengers booking the same vehicle via different operators.
- **Intended use** – there was some detailed discussion about this matter. A representative of one of the Hackney Carriage Associations had proposed a new drivers condition for drivers to promise to work predominantly in the licensed area (i.e. in the Leeds district), with further recommendations for this to be reflected in the Operators’ conditions later in the policy review process.
 - A majority of the working group largely agreed that excessive cross-border working undermines local licensing training and standards, and some delegates thought it would be a positive step to be able to discourage excessive cross-border working by Leeds drivers in other districts if other authorities would be able to develop similar policies to restrict cross-border working. During the period of the working group, Knowsley MBC lost two appeals by different private hire operators in the High Court in Manchester, where a judgement determined that drivers, vehicles and operators licensed in one district can work regularly legally in another district.
 - Some delegates suggested that additional conditions could be considered in the working group for Operator Conditions, although some argued that this would be a difficult policy to implement without the law being changed, and the council should continue to lobby central government for changes to the law.

Consultation

- 3.5 The council undertook consultation from 26 June to 23 July 2018. The following methods were used:

- Publication of the working group report on the consultation web page: <https://www.leeds.gov.uk/business/taxi-and-private-hire-consultation>;
- Hard copies of the fee report at the council offices at Merrion House and Civic Hall;
- Information on screens at 225 York Road to encourage responses; and
- Email to all 6300 licence holders.

- 3.6 The consultation overlapped with the consultation on proposed changes to taxi and private hire licensing fees, so the subject was also discussed at the September trade meetings with the Hackney carriage forum, the Private Hire Operators and Private Hire Drivers.
- 3.7 The council received only three responses, shown in the table below, together with a reply to each response

Response	Council reply
<p>On the section of car seats its parents responsibility to safely have the child strapped in baby seat according to guidelines from Government transport section.</p>	<p>Thank you for your response to our consultation.</p> <p>Yes, we agree with you that the council is proposing car seats for children wholly in line with Department for Transport guidance.</p>
<p>Also you would like to report all interviews with police to LCC regardless of reason or outcome so LCC as a racist and a bullying licensing section which is known in trade of taking bribes to take authorised action on indefensible BAME Community.</p>	<p>The council is proposing to require all drivers to report to LCC any interview held with the police. We would emphasise that this does not mean that a driver's licence would be suspended or revoked immediately. We still find regularly that a number of drivers fail to report driving penalties, arrests and cautions to us, and then claim that they were not aware they had to report anything until they were arrested or charged. The new policy would make it clear that any interview has to be reported.</p> <p>The police and the council are carrying out detailed investigations into the allegations of bribery, and will report on the findings.</p>

Response	Council reply
<p>I don't think this is right unless you have a committee of local councillors or trade who decide the fate of individual not licensing section then it will work this is to protect individuals human rights and right to provide food on table for the family Kind regards.</p>	<p>Leeds City Council's decision making scheme places the responsibility on officers, not councillors, and definitely not trade members, to make decisions. Such decisions are required by law to be wholly based on public safety and must not take into account the personal or family circumstances of licence holders.</p>
<p>Lost property: I do not understand why the licensing department are wanting me to drop off lost property at Leeds Elland Road Police Station? I totally disagree that onus should be on me to pass lost property to Elland road. At a time when we are thinking of introducing a clean air zone in Leeds and reducing our carbon footprint, we now have to go ten miles from our usual place of business to Elland Road. There has never been an issue with this before. Please explain to us in future correspondence why you are doing this? And if you must go ahead why not Otley Police Station, Why not Bradford Police Station or any other police station? I as an individual have found it easier to drop lost property off at my base and the client will come and pick it up in their own time? This is a condition which should be imposed solely on hackney carriage drivers not private hire drivers. As hackney carriage drivers work independently and private hire work for an operator. I look forward to your response Yours Sincerely</p>	<p>Thank you for your reply to the consultation.</p> <p>The recommendation was to replace the wording 'nearest police station' with Elland Road Police Station to provide absolute clarity to drivers, operators and passengers, including passengers who are not familiar with the geography of Leeds.</p> <p>The council received fewer than ten complaints in each of the last two years (out of more than 1000) from passengers about lost property, so we agree with you that not many people are complaining to the council about lost property. However, when a driver may find lost property may be hours or days after the journey, and the impact is considerable on a person who has lost their property, but cannot work out where they lost it, and who they should go to. They may have to check at many police stations, not knowing which one would be nearest to the driver when he or she found the lost property.</p> <p>We would be prepared to revert to the condition stating the 'nearest police station' in cases where drivers have taken the passenger out of Leeds, and the nearest police station is likely to be more likely to</p>

Response	Council reply
	be the location a passenger with lost property would go to.
<p>I am typing this email in regards to the proposed changes to our licensing conditions.</p> <p>More so the condition where we are not being allowed to make any social calls when we are at work.</p> <p>Even our prison system in this country isn't as strict as this council is trying to be by imposing this condition upon us.</p> <p>People who do all kinds of jobs in the retail or public sector are allowed to make calls.</p> <p>So not being allowed to make any calls to friends or family whilst at work is frankly ludicrous. This is undoubtedly from the hackney carriage industry who have always been against the private hire industry always under the impression we are taking their work despite us being fully booked.</p> <p>We are not criminals and have passed the fit and proper person test per your DBS disclosure service. Our private hire firm is well established and does not allow so called pirating. I never make social calls whilst carrying fare paying passengers and if I receive a call whilst carrying one, I politely ask the passenger if I may answer this call and tell the caller that I will call back as soon as possible, rather than let the phone ring.</p> <p>This condition should not be imposed unnecessarily upon us and we are fully against any such conditions which don't allow us any kind of freedom to not keep in touch with our family. Yours truly</p>	<p>Thank you for your reply to the consultation.</p> <p>The council has had the policy to require drivers not to use mobile phones while driving for several years.</p> <p>The policy has only changed in relation to adding blue tooth headsets or earphones to the list of devices drivers may not use when driving.</p> <p>The law is summarised on the following web page:</p> <p>https://www.gov.uk/using-mobile-phones-when-driving-the-law</p> <p>You must stay in full control of your vehicle at all times. The police can stop you if they think you're not in control because you're distracted and you can be prosecuted.</p> <p>The law still applies to you if you're:</p> <ul style="list-style-type: none"> • stopped at traffic lights • queuing in traffic • supervising a learner driver <p>When you can use a hand-held phone</p> <p>You can use a hand-held phone if either of these apply:</p> <ul style="list-style-type: none"> • you're safely parked • you need to call 999 or 112 in an emergency and it's unsafe or impractical to stop.

Response	Council reply
	<p>Penalties</p> <p>You can get 6 penalty points and a £200 fine if you use a hand-held phone when driving. You'll also lose your licence if you passed your driving test in the last 2 years.</p> <p>You can get 3 penalty points if you don't have a full view of the road and traffic ahead or proper control of the vehicle.</p> <p>You can also be taken to court where you can:</p> <ul style="list-style-type: none"> • be banned from driving or riding • get a maximum fine of £1,000 (£2,500 if you're driving a lorry or bus) <p>We will be clear in the policy to state that you can use those devices when you are safely parked, but they must not be used in any other circumstances.</p>

Guidance on database of refused and revoked licence holders

- 3.8 The council received guidance from the LGA / NAFN relating to how a national database of refused and revoked licences should work. The guidance is attached at **Appendix 2**.
- 3.9 The guidance recommends that councils revise their existing policies and letters to add reference to licence holders that should their licence be refused or revoked, their details will be passed on to the national database and may be used by other councils, should they seek to be licensed elsewhere. The guidance was received by the council after the working group and the consultation, however, the draft policies in **Appendix 1** have been updated to make reference to the LGA / NAFN database, and the remaining application and renewal forms will be updated.
- 3.10 The guidance is supplied for information to committee members, who will note that it places strong requirements on local authorities to inform licence holders

that their information may be used, and on the use of information viewed in the database.

Implementation

- 3.11 Depending on the recommendations and suggestions from committee members, the new policies would be implemented within several weeks, most likely to take effect at the start of January 2019. This would give the council the time to let the current licence holders know of the implementation date, and remove old guidance.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The proposed changes follow a working group exercise during 2018, and a consultation in June and July 2018.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The driver conditions review has been subject to an equality and diversity, cohesion and integration screening, and has not found a significant or disproportionate impact. See **Appendix 3**.

4.3 Council policies and City Priorities

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

Best Council Plan 2018/19 – 20/21

Towards being an Efficient and 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 The Council's Taxi & Private Hire Licensing policies contribute to the following priorities: -

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

4.4.4 There are no resource or value for money issues to consider. There will be a positive resource implication of putting three year licences into practice, if they result in fewer visits to the licensing office. However, there will be associated costs of additional complaints or queries about breaches of licensing conditions, and checking the national database.

4.4.5 It should be noted that 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. This means that any additional costs associated with the proposals will be funded via license fees and will not place additional pressure on the council's budget.

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

4.6.1 The report recommendations are aimed at reducing the risk to passengers posed by current or future licenced drivers.

5 Conclusions

- 5.1 The council has made good progress in improving the safety of the travelling public in Leeds. However, we will only make further improvements if we continue to review our policies, work more closely with neighbouring authorities, and in line with emerging national best practice.
- 5.2 This report details several areas where the existing driver conditions can be updated to improve passenger safety and public confidence.

6 Recommendations

- 6.1 That members note the information in this report.
- 6.2 That members recommend for approval the proposed changes to the policies.

7 Background documents

None

Appendices

Appendix 1 Draft Private Hire Driver Guidance and Policies

Appendix 2 LGA guidance for local authorities on national database

Appendix 3 Equality and Diversity Cohesion and Integration impact assessment



A Guide to Obtaining a Licence Taxi and Private Hire Licensing



Taxi and Private Hire Licensing - Useful Information

This booklet offers guidance on how to apply for a driver licence, operator licence and vehicle licence and associated policies. Please be aware that there are a number of different types of private hire services licenced in Leeds, each requiring a separate licence for a driver, operator and vehicle;

- standard private hire
- executive private hire
- limousine private hire
- novelty private hire

Each type of licence has different requirements and licensing conditions attached to it. Please be clear and specify which type of private hire service you wish to apply for at the enquiry stage of your application to ensure accurate advice, guidance and support can be provided.

It is very important that you read and understand our policy on driving and criminal convictions before you apply. If you have any questions please speak to a Licensing & Compliance Officer.

You must attend the office in person to make an appointment to begin the application process. You must also pay the applicable fee at this time. Your application form should be completed before attending your appointment and you must present 2 passport photos and your driving licence. A copy will be taken and your details entered onto our licensing system. You will be given details and advice on how to use the online DBS check.

You will be allocated an application number; this is a unique reference number that is also clearly stated on your receipt. Please keep your receipt safe as you will need to quote the unique reference number in any future enquiries regarding your application.

If you cannot attend your appointment for any reason, please let us know as soon as possible. If you do not give us 5 working days' notice, you may be charged a further administrative fee.

Once a copy of your application form has been taken, you will be given a further appointment to attend and formally submit your application.

It is essential that all documents are completed prior to your appointment as this may result in a delay in processing your application. We also cannot progress an application without all of the requested documentation being presented. You may be charged an administrative fee if we cannot complete the application process.

Applications remain valid for a period of 12 months. If you do not pass and complete all of the required tests within this time period, your application will be cancelled. The fee is non-refundable.

If you wish to withdraw from the application process at any time after submitting your application form, you must put this in writing to the Licensing & Finance Manager. The refund of the fee is at the discretion of the Licensing & Finance Manager, less an administrative fee.

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1. Introduction

In England (outside London), Hackney carriage (taxi) and private hire licences are issued by local Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire or reward.

In Leeds, licensing and enforcement matters are dealt with by the Taxi and Private Hire Licensing Service.

Each licence has a set of licensing conditions, which the licence holder must comply with. Copies of these conditions are available on the Leeds City Council website <https://www.leeds.gov.uk/business/licensing/taxi-and-private-hire-licensing>, and are readily available upon request at the Taxi and Private Hire Licensing Reception.

Licences are issued for a period of one year from the date of issue.

2. Driver licence

2.1 Am I eligible to apply for a Driver licence?

All the minimum requirements below apply to each of the different private hire drivers licence applications;

- standard private hire
- executive private hire
- limousine private hire
- novelty private hire

In order to proceed with a driver licence application, you must:

- a) Be at least 18 years old and have held a full DVLA, Northern Ireland or European Economic Area (EEA) state driving licence for at least three years. Your DVLA driving licence must be presented upon submission of the application form
- b) Undergo & pass a Group II medical examination by your own GP or another GP who has access to and has viewed your medical record, any cost of which will be borne by you. The report form must be completed, signed and stamped by the surgery or health centre attended and be dated within 4 months of submitting your application

Please note: if you have already undertaken a Group II medical examination which is shown on your DVLA driving licence, you do not need to undertake a further examination for taxi and private hire licensing purposes.

- c) Complete an online Disclosure and Barring Service (DBS) disclosure form (please refer to our guidance document DBS Online Disclosure Guide). To support this form you will need to provide:
 - (i) Your DVLA driving licence.

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- (ii) 2 x recent utility bills stating your name and address e.g. gas, electricity, bank statement, which must not be more than three months old.
- (iii) 2 x recent identical colour passport photographs.
- (iv) Documentary evidence of your National Insurance number.
- (v) Evidence that you are entitled to remain in this country and able to work (see 2.1.1).
- (vi) Your passport.

All documents must show the same name and address and be spelt exactly the same.

- d) Undergo a driving examination by one of our approved suppliers, the cost of which will be borne by you
- e) Produce a letter of introduction, on letter headed paper, from your intended employer
- f) Complete and pass an English and maths comprehension test
- g) Complete and pass the Driver Knowledge test using the training pack obtained upon application for your licence.
- h) Complete and pass all applicable training including customer care and safeguarding.

2.1.1 I was born outside of the UK – can I still apply?

You must be eligible to live and work in the UK and provide documentary evidence of this. The UK Border Agency has produced a list of documents that will be accepted as evidence, see below;

List A - Documents which establish ongoing entitlement to work in the UK

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, Border and Immigration Agency or UK Border Agency to a national of a European Economic Area country or Switzerland.
4. A permanent residence card issued by the Home Office, Border and Immigration Agency or UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.
5. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.

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6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
9. A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
10. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
11. A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
12. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
13. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

List B - Documents which indicate restricted entitlement to work in the UK

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.

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2. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
3. A work permit or other approval to take employment issued by the Home Office, Border and Immigration Agency or UK Border Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer confirming the same.
4. A certificate of application issued by the Home Office, Border and Immigration Agency or UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
5. A residence card or document issued by the Home Office, Border and Immigration Agency or UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.
6. An Application Registration Card issued by the Home Office, Border and Immigration Agency or UK Border Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

Please note: your application will not be accepted if you cannot supply the relevant documents. Licences granted to drivers whose leave to remain in the UK is time-limited will only be valid for the period for which they are entitled to work in the UK. To extend your licence you must produce further evidence to prove you have the right to work in the UK. We must also be satisfied that you hold an appropriate driving licence to drive in the UK for vocational purposes i.e. driving for a job.

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The EEA states are: Austria, Belgium, Bulgaria, Czech Republic, Republic of Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Romania, Portugal, Slovenia, Slovakia, Spain, Sweden, United Kingdom.

A valid licence issued on the strength of a driving test within the EEA, will allow you to drive in Great Britain for a set period. Alternatively, you can exchange your licence for a British licence.

Provided your licence remains valid, you may drive in Great Britain:

Car, motorcycle driving licence holders (ordinary driving licence):

- until aged 70 or for three years after becoming resident, whichever is the longer period

Lorry, minibus, bus driving licence holders (vocational driving licence):

- until aged 45 or for five years after becoming resident, whichever is the longer period
- if you are aged over 45 (but under 65) until your 66th birthday or for five years after becoming resident, whichever is the shorter period
- if you are aged 65 or over for 12 months after becoming resident

In order to continue driving after these periods, you must get a British driving licence.

If you were born outside of the UK and came to the UK as an adult, you must provide a criminal record check from the country(s) outside of the UK that you have lived in.

If you are unable to provide this information, please refer to the 'Fit and Proper' Person Assessment policy for UK citizens, UK citizens with limited residency, Non UK – EU citizens, Non EU citizens, asylum seekers/refugees.

If you came to the UK as a child (under the age of 16), you must provide evidence of this. Examples of proof include your parent's passport from when you first came to the UK, proof of school attendance in the UK, a letter from your GP stating how long you have been registered with the NHS. If you are unable to provide any of this, you must provide two references as mentioned above.

For more information on working in the UK please visit the Government website
<https://www.gov.uk/government/organisations/uk-visas-and-immigration>

2.1.2 Why do I need to undertake a DBS disclosure to be licensed?

Your role as a licensed driver and/ or Operator may bring you into contact with vulnerable groups such as the infirm, elderly, mentally ill and young people under the age of 18. To protect these vulnerable client groups we must check for the existence and content of any criminal record.

A Standard disclosure contains details of any spent and unspent convictions, as well as cautions, reprimands and warnings, recorded by the police centrally. Additionally, enhanced

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disclosures may contain non-convicted information from local Police records which a Chief Police Officer thinks may be relevant in connection with the matter in question. Your licence application will be subject to an Enhanced Disclosure.

You will receive your disclosure certificate at your home address, direct from the DBS. This must be presented to the licensing office and you must also enrol with the online update service within 19 days of the certificate issue date. You can also enrol with the online update service before you receive your certificate by using your application reference number (E-reference number) which will be emailed to you once your application has been received by the DBS.

If you have not enrolled with the online update service, you will be required to complete a further disclosure, at your own expense, before a licence is renewed or granted. Please note: you must ensure that the update service is informed if you get a new payment card. Your annual subscription will be not be taken if any of your card details have changed. This may result in you having to undertake a full DBS disclosure at the time of renewal.

It is very important for you to be aware that a criminal record will not necessarily prevent you from obtaining a licence. Any information disclosed will be treated fairly and you will have the opportunity to make representations to the Officer dealing with your application. (Please see 6. I'm interested in becoming a licensed driver but I have a criminal conviction – can I still apply? for further guidance.)

Please note that the application you have submitted is exempt from the *Rehabilitation of Offenders Act 1974*, which means all convictions, cautions, reprimands and final written warnings on your criminal record need to be disclosed on your application form. You should also provide details of any Police enquiries undertaken following allegations against you which may have a bearing on your application.

All licence holders are required to subscribe to the DBS update service, allowing Officers to carry out an online status check periodically to ensure that your DBS certificate is up to date. Your licence may be suspended or not renewed unless we have this means of checking for criminal activity, whether convicted or otherwise.

2.1.3 Why do I need to pass an English and maths comprehension test?

The English and maths comprehension test was introduced as a result of concerns raised by both the public and the trade, that some licence applicants have difficulty speaking, reading or writing English where it is not their first language.

The test is set and run by the council, together with a recognised training organisation, and covers the following key areas:

- Speaking clearly: giving information
- Reading signs and documents
- Writing: transferring information

- Dealing with fares
- Basic numeracy and maths skills

Please note that the council is reviewing its driver training specification and provision during 2018-19, and this training will be subject to change

Advanced Taxi Driving Test	Practical Assessment (any providers recognised by a WYCA authority will be acceptable)
An English Test	Practical Assessment, which may also include a test
Local Knowledge Test	Requirement to achieve a 90% pass rate
Regulatory Framework of the Hackney Carriage and Private Hire Industry and Test	Requirement to achieve a 90% pass rate
Professional Standards Training and Test	Requirement to achieve a 90% pass rate
Safeguarding Training and Test	Requirement to achieve a 90% pass rate
Equalities/Disability Training and Test	Requirement to achieve a 90% pass rate
Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)	Practical Assessment

2.1.4 Why do I need to attend knowledge training?

The knowledge training and test has also been introduced as a result of concerns raised both by the public and the trade, that some licence applicants:

- Do not have a working knowledge of the law surrounding the licensed trade
- Are not familiar with the Leeds District

The training is currently delivered by the Taxi and Private Hire Licensing Service and is a full day course. At your application appointment you will be given a training pack which you will be expected to study before attending the course.

You will be tested over the course of the day on:

- Knowledge of legislation and conditions
- Geographical knowledge – districts of Leeds and city centre locations
- Use of an A-Z to find your way around Leeds

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Further information is provided in your training pack which you will receive at your application appointment.

Please note: Should you fail to attend the training course or if you are late, you may be charged to re-book.

Please read the details in section 2.1.3 which explains that driver training is currently being reviewed and may be changed during 2018-19.

2.1.5 Why do I need to attend customer care training?

New applicants to the taxi and private hire trade must attend a training programme appropriate to the trade.

However, applicants who have already attained a NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire), or can demonstrate that they are studying towards achieving the NVQ do not have to undertake this training.

If you are studying towards the NVQ you will have until the date of the first renewal of your driver's licence to complete the course, otherwise you will have to attend the in-house course at the next available opportunity.

The customer care programme is specifically designed for the taxi and private hire trade and provides drivers with the opportunity to acquire Leeds City Council accreditation relative to your job.

A child sexual exploitation safeguarding awareness session must also be attended prior to the grant of a licence.

Please read the details in section 2.1.3 which explains that driver training is currently being reviewed and may be changed during 2018-19.

2.1.6 I'm eligible to apply and I've completed my application form – what happens next?

You must attend the Taxi and Private Hire Licensing Service with your completed application form, 2 x photographs and the applicable fee. An appointment will then be arranged for you to fully submit your application.

At your appointment, the Licensing & Compliance Officer will;

- Check your application form for any errors or omissions
- Check and copy your DVLA drivers licence and driving examination pass sheet inclusion in your file
- Check your Group II Medical Report form for any errors or omissions
- Check your DBS Disclosure identification documents
- Give you a date to attend your English and maths comprehension test

2.1.7 I've submitted my application form and passed my tests – how long will it take for a licence to be granted?

Once you have passed your English and maths comprehension test, you must present your pass letter to the Licensing Office who will give you a date to attend your Knowledge seminar and a date to attend the customer care course.

Please note: It can take 4-6 weeks for your DBS disclosure to be returned. Once it has been received you must register for the online DBS update service.

If your DBS disclosure form contains any convictions or cautions your file will be passed to a Principal Officer to decide whether or not to grant a licence. Some applicants may have an offence (or offences) that prevent a licence being granted. If this situation arises you will be informed as soon as is practicably possible. Fees will not be refunded at this stage.

If your application form contains details of a previous licence being refused or revoked by a licensing authority, the council will contact that authority.

If your DBS disclosure form does not contain any convictions or cautions and we have all the relevant documentation we require, a Principal Officer will authorise the granting of your licence.

You will be contacted by us when your licence is ready to be granted.

2.2 How do I renew my driver licence?

It is your responsibility to ensure that your licence is renewed before its expiry date.

A **completed** renewal form must be submitted in person at the Taxi and Private Hire Service prior to your current licence expiring.

In order to proceed with the renewal, you must:

- Produce your DVLA driving licence
- Ensure the renewal form is stamped by your Operator
- Produce your current drivers badge
- Pay the applicable fee payable by cash, debit card or cheque made payable to Leeds City Council

As applicable, you must also have undertaken your enhanced DBS check and/ or registered for the DBS update service.

You may renew your badge six weeks before your renewal date.

The standard period for a renewed driver licence is 3 years. You must tell us if you prefer to be licenced for a shorter period, and state your reasons why.

If your renewal form contains details of a previous licence being refused or revoked by a licensing authority, the council will contact that authority.

IMPORTANT - If you do not renew on time, your licence will expire and you will be treated as a 'new' applicant, and you will need to go through the same procedure as that specified for the grant of a licence.

3. Private hire vehicle licence

3.1 I want to licence my vehicle for private hire – what do I need to do?

Each type of licence has different requirements and licensing conditions attached to it, for example;

- standard private hire vehicles: only vehicles up to five years old will be licensed and licences will only be renewed up to seven years old i.e. the last licence a vehicle will be granted will be prior to its seventh year, after which a vehicle has to pass an annual age extension inspection.
- executive private hire vehicles: only vehicles less than 1 year old will be licensed, and will be renewed up to five years old.

This age criteria is determined by the date of first registration on the registration certificate.

The public must be safe and comfortable in a licensed private hire vehicle and there is an expectation that this will be the case when a vehicle has been licensed by the Taxi and Private Hire Licensing Service of Leeds City Council.

Only vehicles which meet all of our licensing conditions for that specific type of private hire vehicle and comply with MOT standards will be licensed.

We do not have an approved list of private hire vehicles, as each make and model is assessed individually before being granted a licence, depending on the type of private hire vehicle licence being applied for. The vehicle must be inspected on site by one of our Vehicle Examiners. Any vehicle with more than 4 passenger seats, whether standard, executive, limousine or novelty vehicle, must have the seating inspected before being booked in for a vehicle inspection. This is to ensure that they meet our criteria.

Please note that the council is currently reviewing its vehicle conditions in line with the requirement for Leeds to have a Clean Air Zone in January 2020. It is possible for the council to licence private hire vehicles which may incur a Clean Air Zone charge. In the longer term, it is likely that all vehicles except petrol-hybrid, electric and LPG will incur a Clean Air Zone charge.

Our Vehicle Examiners will be happy to discuss the approval process with you if required.

In order to proceed with the application, you must:

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- Produce a completed application form, in person.
- Produce the vehicle registration document (V5C) in your name or a Bill of Sale (which must state the sellers name & address, the buyers name & address, details of the vehicle being sold, both signatures and be dated) and the V5C/2 Section 10 (New Keeper Supplement).
- Produce a MOT certificate if the vehicle is more than three years old at the time of application.
- Ensure the vehicle complies with the correct age criteria for the type of private hire vehicle licence you wish to apply for at the time of application.
- Pay the applicable fee payable by cash, debit card or cheque, made payable to Leeds City Council.

3.1.1 I've completed my vehicle licence application form – what happens next?

The following steps show how your application will be processed by the Licensing & Compliance Officer:

- Your application form will be checked for any errors or omissions.
- A HPI check will be carried out to ensure that the vehicle is mechanically sound. We will not licence a vehicle that has been involved in an accident and declared a total loss
- A vehicle test date will be booked where your vehicle will be tested to a MOT standard and to ensure it meets the conditions attached to the grant of a licence
- If your vehicle fails, certified repairs must be carried out before a licence can be granted.
- Details of the times and dates for livery fitting are provided.

Once your vehicle has passed the test you must produce:

- Original insurance documents.
- Your current private hire drivers badge.
- Operator livery.

Upon receipt of these, a paper licence and vehicle disc will be produced and vehicle livery fitted.

Vehicles must be licensed within one month of the application date. Failure to do so will result in the application being cancelled. No refunds will be given at this stage.

3.2 How do I renew my Private Hire vehicle licence?

It is your responsibility to ensure that your licence is renewed before its expiry date.

A completed renewal form must be submitted in person at the Taxi and Private Hire Service prior to your current licence expiring.

In order to proceed with the renewal, you must:

- Ensure your renewal form is stamped and signed by your operator
- Produce your current Private Hire vehicle disc

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- Produce a valid Certificate of Insurance covering the use of Hire & Reward
- Produce the current MOT certificate as applicable
- Produce a current tail lift certificate as applicable
- Produce the Registration document (V5C)
- Pay the applicable fee payable by cash, debit card or cheque, made payable to Leeds City Council.

Please refer to the separate Age Criteria policy guidance if you wish to licence your vehicle beyond 7 years of age.

IMPORTANT - If you do not renew on time the vehicle will be treated as a 'new' application and you will need to go through the same procedure as that specified for the grant of a licence. If the vehicle is over 5 years old, the licence would not be granted as per the Age Criteria condition.

3.3 I want to transfer my private hire vehicle licence to another driver – what do I need to do?

When transferring your private hire vehicle you are required by law to notify us, in writing, within fourteen days of the transfer taking place.

The new owner must provide;

- Part 2 of the V5 Registration document
- Bill of sale
- Original insurance documents
- A current MOT certificate as applicable
- The old Private Hire vehicle disc
- A completed notice of transfer form

A HPI check will be undertaken and the vehicle will be booked in for an inspection with our Vehicle Examiners. An inspection is not required where the vehicle has previously been inspected in the last 28 days.

Please note that the council is currently reviewing its vehicle conditions in line with the requirement for Leeds to have a Clean Air Zone in January 2020. It is possible for the council to refuse to transfer a vehicle which will incur a Clean Air Zone charge.

When all the relevant documentation has been received, and applicable fee paid, the transfer will be processed and our records updated.

We strongly advise that before purchasing a vehicle, a HPI check is undertaken to ensure that the vehicle has not been involved in an accident and subsequently been declared a total loss.

We also recommend that, prior to purchase, the vehicle undertakes an examination by a Vehicle Examiner to ensure it complies with Leeds City Council's Licensing Conditions.

Existing licensed drivers wishing to HPI a vehicle before they buy can have the check carried out by the Taxi and Private Hire Licensing Service for a fee.

4. Private Hire Operator Licence

4.1 Am I eligible to apply for a Private Hire Operator licence?

In order to proceed with a private hire operator licence application you must:

a. Be aware that all applications for an Operator licence must be made in the name of one person.

(i) If the application is to be made on behalf of a Company and/ or a Partnership all interested parties should complete the applicable application form.

b. Provide proof of Planning Consent or Exemptions.

c. Submit samples of your Operator livery, which will be displayed on your vehicles (windscreen & doors), for approval

d. Complete an online DBS disclosure. To support this form you will need to provide;

(i) 2 x recent utility bills stating your name and address e.g. gas, electricity, bank statement, which must not be more than three months old. Mobile telephone bills will not be accepted as proof of residency.

(ii) 2 x recent identical colour passport photographs.

(iii) Documentary evidence of your National Insurance number.

(iv) Original EEA passport or evidence that you are entitled to remain in this country and able to work.

e. Present your DVLA driving licence upon submission of the application form.

f. Complete and pass the English and maths comprehension test if not already undertaken.

g. Attend an Operator Seminar.

h. Pay the applicable fee (licence fee, DBS disclosure fee and English and maths comprehension test fee), payable by cash, debit card or cheque, made payable to Leeds City Council.

4.1.1 I'm eligible to apply and I've completed my application form – what happens next?

Your application form must be completed and you must have all of the relevant documents, as listed on the application form, before attending your appointment.

The following steps show how your application will be processed by the Licensing & Compliance Officer:

- Your application form will be checked for any errors or omissions.
- Your DBS Disclosure identification documents will be checked.
- An Operator site visit and a seminar will be arranged with an Enforcement Officer.
- Upon the issue of your licence, you will be asked to produce Public and Employee's Liability insurance as applicable.

4.1.2 I've submitted my application form and passed my tests – how long will it take for a licence to be granted?

Once you have passed your English and maths comprehension test, you must present your pass letter to the Licensing Office who will give you a date to attend your Private Hire Operator seminar.

If your application form contains details of a previous licence being refused or revoked by a licensing authority, the council will contact that authority.

Please note: It can take 4-6 weeks for your DBS disclosure to be returned.

If your DBS disclosure form contains any convictions or cautions your file will be passed to a Principal Officer to decide whether or not to grant a licence. Some applicants may have an offence (or offences) that prevent a licence being granted. If this situation arises you will be informed as soon as is practicably possible. Fees will not be refunded at this stage.

If your DBS disclosure form does not contain any convictions or cautions and we have all the relevant documentation we require, a Principal Officer will authorise the granting of your licence.

You will be contacted by us when your licence is ready to be granted.

4.2 How do I renew my Private Hire Operator licence?

It is your responsibility to ensure that your licence is renewed before its expiry date.

A completed renewal form must be submitted in person at the Taxi and Private Hire Service prior to your current licence expiring.

In order to proceed with the renewal, you must:

- Produce evidence of current planning consent.
- Produce your current Private Hire Operator's licence.
- Produce your certificate of Employers and Public Liability Insurance as applicable.
- Produce your schedule of vehicles and drivers.
- Produce DTI certificate.
- Pay the applicable fee payable by cash, debit card or cheque, made payable to Leeds City Council.

As applicable, you must also have undertaken your enhanced DBS check and/ or registered for the DBS update service. You will receive a written reminder 3 months prior to your expiry date if this is required.

The standard period for a renewed operator licence is 5 years. You must tell us if you prefer to be licenced for a shorter period, and state your reasons why.

If your renewal form contains details of a previous licence being refused or revoked by a licensing authority, the council will contact that authority.

IMPORTANT - If you do not renew on time you will be treated as a 'new' applicant and you will need to go through the same procedure as that specified for the grant of a licence.

5. How much will it cost to apply for/ renew my licence?

Please find below a full list of fees associated with the application and renewal of licences.

Licence or Service Item	Fee
Private Hire Driver Application (total fees)	£330 made up of:
Admin fee	£30
Driver application	£120 (inc. all seminar modules)
DBS Check	£70
Customer care course*	£55
English comprehension Test*	£25
Knowledge training pack*	£15
DVLA check	£5 (valid for 3 years)
Safeguarding awareness training*	£10
Other Private Hire Driver Application fees	
Missed Driver Application Appointment	£30
Seminar re-sit: Legislation*	£20
Re-sit: A to Z / Conditions test*	£30
Seminar Re-sit: Maps – districts of Leeds, city centre*	£30
Re sit conditions test*	£20
Customer care re-sit*	£55
English comprehension re-sit*	£25
Private Hire Driver Renewal (total fees)	
Driver renewal	£150
Driver renewal (3 years)	£390
DVLA check	£5 (valid for 3 years)
DBS	£13 payable to DBS not LCC. If you have not renewed your subscription or there is any change shown on your certificate, a further £70 will be payable to undertake a new DBS
Private Hire Vehicle Application	£135 (exc. Stickers)
Vehicle inspection	£45
Set of vehicle stickers (no bonnet)	£55
Set of vehicle stickers (with bonnet)	£70
Door sticker only	£25
Rear sticker only	£20
Bonnet sticker (additional i.e. lost / damaged)	£20
Private Hire Vehicle Renewal (total fees)	
Vehicle renewal	£135
Age criteria inspection	£110
Re-test following inspection	£45
Age inspection missed appointment	£90
Inspection missed appointment	£45
Hackney Carriage Driver Application (total fees)	£330

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Licence or Service Item	Fee
Admin fee	£30
Driver application	£120 (includes all modules of the seminar)
Customer care course*	£55 – not applicable if passed as a private hire driver
English comprehension test*	£25
A-Z and maps test*	£15
DBS	£70
DVLA check	£5
Safeguarding awareness training*	£10
Missed driver application appointment	£30
Re-sit local knowledge test	£50
Hackney Carriage Driver Renewal (total fees)	
Driver Renewal (1 year)	£150
Driver renewal (3 years)	£390
DVLA Check	£5 (valid for 3 years)
Hackney Carriage Vehicle application	
Vehicle Application	£135
Vehicle inspection	£45
Vehicle Livery	£45
Rear plate / sticker	£18
Hackney Carriage vehicle renewal	
Vehicle application	£135
Age inspection criteria	£110
Age inspection missed appointment	£90
Inspection missed appointment	£45
Re-test following inspection	£45
Meter check seal	£10
Operator Application	
Admin fee	£30
Application (includes executive and limousine operator)	£500
DBS Check	£70 (if you are using your DVLA licence as an ID document, you will need to pay a £5 DVLA mandate fee)
English comprehension test*	£25
Safeguarding awareness training*	£10
Operator Renewal 1 year	
Operator Renewal 0-10 drivers	£350
11-100 drivers	£450
101+	£600
DBS	£13 payable to DBS not LCC. If you have not renewed your subscription or there is any change shown on your certificate, a further £70 will be payable to undertake a new DBS
Operator Renewal 5 years	
Operator Renewal 0-10 drivers	£1500
11-100 drivers	£2000
101+	£3000
Vehicle Inspection (incl. Failure to Attend)	£45
Short test	£25
Vehicle Transfer (incl. inspection)	£75
Vehicle Transfer	£30

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Licence or Service Item	Fee
Duplicate Driver Badge	£15
Duplicate Vehicle Disc	£15
Duplicate Licence	£5
Failed to attend appointment	£30
Escort application	£25 application, admin fee £30, £70 for DBS & £5 for DVLA mandate if using this document as an ID check
Escort renewal	£25
Accident management/ hire company (not their vehicle)	£175
Contract driver application	£120 plus £30 admin £70 DBS, £5 DVLA & £25 English literacy
Contract driver renewal	£80
Contract vehicle application	£100
Contract vehicle inspection	£45
Contract Vehicle renewal	£100
No smoking stickers	£2
Lanyards, badge holders, windscreen disc holder	£1 each

***Please note that driver training is currently being reviewed and may be changed during 2018-19.**



Conditions attached to a private hire driver's licence

Introduction: conditions attached to the grant of a private hire driver licence

All licences in connection with the driving and operation of private hire vehicles are issued by the Council in accordance with the provisions of the 1976 Act. Drivers and operators should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act 2010 affecting private Hire licences. The Health and Safety at Work Act has particular meaning for private hire drivers.¹ (There are explanatory notes at the end of these conditions.)

The following conditions apply to all licensed private hire drivers. In certain circumstances additional appropriate conditions may be attached to an individual licence which could be set out as an addendum or by way of a formal notice served upon the licence holder concerned.

The Council informs of changes to its conditions and policy by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office or downloading from the website www.leeds.gov.uk/taxis. It is also a condition of a private hire operators' licence that a copy is available for viewing.

Councillors have considered carefully the conditions and emphasise that they are essential requirements of the private hire driver role. Failure to observe may lead to immediate suspension of the driver and vehicle licences and consideration of licence revocation and prosecution

Beyond actual regulatory acts, the Council is alert to public expectations of passenger care and comfort and it is not unreasonable to insist that all fare paying passengers are treated with respect and courtesy.

Section 1: standard conditions attached to a private hire drivers licence

1. Driver licences

Each driver shall deliver to his employing operator the licence to drive a private hire vehicle. The employing operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the city Council at the request of an Authorised Officer.

A driver may not be licenced to drive for more than one operator at a time.

2. Change of operator

A licensed driver must inform the taxi and private hire licensing service immediately, in writing and in any case not more than 72 hours after the event if he / she changes operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this Condition.

A driver may not be licenced to drive for more than one operator at a time. If a driver wishes to work as a passenger contract driver via a different operator, he / she can apply separately to Passenger Transport.

3. Change of address

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

4. Medical circumstances

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner (GP) has advised them not to drive (Reference <https://www.gov.uk/health-conditions-and-driving>).
- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner (or another GP who has access to their medical record) or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence.

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(c) Disability discrimination

Every licensed driver must conform to the requirements of the Equality Act 2010, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.²

5. Requirement to report convictions & associated incidents³

(a) Any of the following events must be reported in writing to the taxi and private hire licensing office within 72 hours during the currency of a licence giving full details:-

- a. any conviction or finding of guilt (criminal or driving matter);
- b. any caution (issued by the Police or any other agency);
- c. issue of any Magistrate's Court summons against them;
- d. issue of any fixed penalty notice for any matter;
- e. any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- f. their arrest for any offence (whether or not charged);
- g. any interview by the Police, whether voluntarily or not.**

(b) When required, a licensed driver will undertake enhanced Disclosure & Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

6. English language, literacy & numeracy testing⁵

Where there is a reasonable cause to believe that there is a need to assess a licence holder's English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an Authorised Officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or if there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation

Please note that the council is reviewing its driver training specification and provision during 2018-19, and this training will be subject to change

7. Training to expected standards of service and safety⁶

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- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not actively participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

Please note that the council is reviewing its driver training specification and provision during 2018-19, and this training will be subject to change

- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

8. Driver badges

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

9. Conduct of driver

The driver shall:-

- (a) Alight from the vehicle and provide reasonable assistance with passengers' luggage and ensure its safe storage within the vehicle
- (b) In line with Section 165 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/section/165>), where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey.
- (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle⁷.
- (d) On arrival at the pick up point of a booked journey, use the operators 'ring back' system or radio the operator base to enable the customer to be informed of the booked vehicles arrival⁸.

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- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination. In respect of passengers with significant visual impairment who are taken to hospitals or other medical establishments, personal guidance and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.
- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.⁹
- (h) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.
- (i) Not without the express consent of the hirer drink or eat in the vehicle.
- (j) **Not smoke at any time, this includes all e-cigarettes or vapes**, within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (k) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the operator's radio or data head linked to the operators dispatch system.
- (l) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (m) **Not use unless safely parked a mobile telephone, headset or Bluetooth or similar system** unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the operator has not despatched.
- (n) Not record, or cause to be recorded in the operators booking system, any hiring they have undertaken, are undertaking, or considering undertaking, which was not despatched by the operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.

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- (o) Other than satellite navigation information, not display any moving images and not have any other form of visual display screen fitted to the licensed vehicle.

10. Passenger

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of a private hire vehicles any child below the age of ten years and adhere to the law in relation to when a child can travel without a car seat;
<https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>
- (c) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

11. Prompt attendance

- (a) The driver of the private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver shall immediately report to the operator such delay.¹⁰

12. Fare to be demanded & issuing of receipts

- (a) The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter or an approved operator's GPS device and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the device.
- (b) The driver will supply the hirer, or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is: - The name of the operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.

13. Lost property

- (a) Any property or articles of any description left in a private hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered

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to Elland Road Police Station. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

14. Animals

The driver shall not convey in the private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

Section 2: standard conditions attached to a private hire executive driver licence

1. Driver licences

Each driver shall deliver to his employing operator the licence to drive a private hire executive vehicle. The employing operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the City Council at the request of an Authorised Officer.

A driver may not be licenced to drive for more than one operator at a time.

2. Change of operator

A licensed driver must inform the taxi and private hire licensing section immediately in writing and in any case not more than 72 hours after the event if he / she changes operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this Condition.

A driver may not be licenced to drive for more than one operator at a time. If a driver wishes to work as a passenger contract driver via a different operator, he / she can apply separately to Passenger Transport.

3. Change of address

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

4. Medical circumstances

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner (GP) has advised them not to drive (Reference <https://www.gov.uk/health-conditions-and-driving>).
- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner (or another GP who has access to their medical record) or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence.

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- (c) Disability Discrimination - every licensed driver must conform to the requirements of the Equality Act, 2010, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.

5. Requirements to report convictions and associated incidents³

- (a) Any of the following events must be reported in writing to the taxi and private hire licensing office within 72 hours during the currency of a licence giving full details:-
- a. any conviction or finding of guilt (criminal or driving matter);
 - b. any caution (issued by the Police or any other agency);
 - c. issue of any Magistrate's Court summons against them;
 - d. issue of any fixed penalty notice for any matter;
 - e. any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - f. their arrest for any offence (whether or not charged);
 - g. any interview by the Police, whether voluntarily or not.**
- (b) When required a licensed driver will undertake enhanced Disclosure & Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

6. English language, literacy and numeracy testing⁵

Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint or an expressed concern from an identified person, an Authorised Officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or if there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation

7. Training to expected standards of service and safety⁶

- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not actively participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

Please note that the council is reviewing its driver training specification and provision during 2018-19, and this training will be subject to change

- (a) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

8. Driver badges

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

9. Conduct of driver

The driver shall:-

- (a) Alight from the vehicle and provide reasonable assistance with passenger's luggage and ensure its safe storage within the vehicle.
- (b) In line with Section 165 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/section/165>), where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey.
- (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle.⁷
- (d) On arrival at the pick-up point of a booked journey, use the Operators 'ring back' system or radio the Operator base to enable the customer to be informed of the booked vehicles arrival.⁸
- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.
- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.⁹
- (h) The driver of the vehicle will wear a smart business suit or formal chauffeurs uniform and appropriate corresponding clothing that befits the type of service.

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- (i) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.
- (j) Not without the express consent of the hirer drink or eat in the vehicle.
- (k) Not smoke at any time, **this includes all e-cigarettes or vapes**, within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (l) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the operator's radio or data head linked to the operators dispatch system.
- (m) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (n) **Not use unless safely parked a mobile telephone, headset or Bluetooth or similar system** unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the operator has not despatched.
- (o) Not record, or cause to be recorded in the operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.
- (p) Other than satellite navigation information not display any moving images and not have any other form of visual display screen fitted to the licensed vehicle.

10. Passengers

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of private hire vehicles any child below the age of ten years and adhere to the law in relation to when a child can travel without a car seat;
<https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>
- (c) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

11. Prompt attendance

- (a) The driver of the private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver shall immediately report to the operator such delay.¹⁰

12. Fare to be demanded and issuing of receipts

- (a) The driver shall not demand from any hirer of a private hire executive vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter or an approved operator's GPS device and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter
- (b) The driver will supply the hirer or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is: -
 - (i) The name of the operator
 - (ii) The date & time of the hiring
 - (iii) The drivers licence badge number
 - (iv) The cost of the journey
 - (v) Signature and printed name of the driver.

13. Lost property

- (a) Any property or articles of any description left in a private hire executive vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered **to Elland Road Police Station**. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

8. Animals

The driver shall not convey in the private hire executive vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

Section 3: standard conditions attached to a private hire stretched limousine driver's licence

1. Driver licences

- (a) Each driver shall deliver to his employing operator the licence to drive a private hire stretched limousine vehicle. The employing operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the Council at the request of an Authorised Officer.

A driver may not be licenced to drive for more than one operator at a time.

- (b) Once licensed as a private hire vehicle the stretched limousine can only be driven by a driver who has an appropriate private hire driver licence for that type of vehicle.

3. Change of operator

A licensed driver must inform the taxi and private hire licensing section immediately in writing and in any case not more than 72 hours after the event if he / she changes operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this condition.

A driver may not be licenced to drive for more than one operator at a time. If a driver wishes to work as a passenger contract driver via a different operator, he / she can apply separately to Passenger Transport.

4. Change of address

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

5. Medical circumstances

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner (GP) has advised them not to drive (Reference <https://www.gov.uk/health-conditions-and-driving>).
- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner (or another GP who has access to their medical record) or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is

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not being complied with within a reasonable timescale or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence

(c) **Disability Discrimination**

Every licensed driver must conform to the requirements of the Equality Act, 2010, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.²

5. Requirements to Report Convictions and Associated Incidents³

(a) Any of the following events must be reported in writing to the taxi & private licensing section within 72 hours during the currency of a licence giving full details of:-

- (i) Any conviction (criminal or driving matter);
- (ii) Any caution (issued by the Police or any other agency);
- (iii) Issue of any Magistrate's Court summons against them;
- (iv) Issue of any fixed penalty notice for any matter;
- (v) Any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- (vi) Their arrest for any offence (whether or not charged);
- (vii) **any interview by the Police, whether voluntarily or not.**

(b) When required a licensed driver will undertake enhanced Disclosure & Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

6. English language, literacy and numeracy testing⁵

Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint or an expressed concern from an identified person, an Authorised Officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or if there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation

Please note that the council is reviewing its driver training specification and provision during 2018-19, and this training will be subject to change

7. Training to expected standards of service and safety⁶

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- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not actively participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

Please note that the council is reviewing its driver training specification and provision during 2018-19, and this training will be subject to change

- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

8. Driver badges

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

9. Conduct of driver

The driver shall:-

- (a) Alight from the vehicle and provide reasonable assistance with passenger's luggage and ensure its safe storage within the vehicle.
- (b) In line with Section 165 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/section/165>), where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey.
- (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle.⁷
- (d) On arrival at the pick-up point of a booked journey, use the operators 'ring back' system or radio the operator base to enable the customer to be informed of the booked vehicles arrival.⁸
- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

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- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.
- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.⁹
- (h) The driver of the vehicle will wear a smart business suit or formal chauffeurs uniform and appropriate corresponding clothing that befits the type of service.
- (i) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.
- (k) Not without the express consent of the hirer drink or eat in the vehicle.
- (l) Not smoke at any time, **this includes all e-cigarettes or vapes**, within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (m) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the operators radio or data head linked to the operators dispatch system.
- (n) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (o) **Not use unless safely parked a mobile telephone, headset or Bluetooth or similar system** unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the operator has not despatched.
- (p) Not record, or cause to be recorded in the operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.
- (q) It is the responsibility of the driver to comply with all of the Conditions attached to the associated private hire stretched limousine licences placed upon the vehicle operator, proprietor or the vehicle licence itself.
- (r) Passengers shall not be allowed in the front passenger seat(s) of a stretched limousine.

10. Passengers

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
- (c) The following activities are prohibited within the vehicle: -
 - (i) Striptease.
 - (ii) Lap Dancing.
 - (iii) Pole Dancing.
 - (iv) Any other activity or performance of a like kind.

The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of the passengers being conveyed. In deciding what is suitable, regard shall be had to the classification of the video, DVD or recorded image by the British Board of Film Classification.

- (d) The driver is responsible for ensuring that:-

- (i) Whilst the vehicle is in motion, passengers remain seated.
- (ii) Passengers are not to lean out of the windows of the vehicle or to stand out of sun roofs.
- (iii) Passengers do not act in an inappropriate manner or distract other road users.

11. Prompt attendance

- (a) The driver of the Private Hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver shall immediately report to the operator such delay.¹⁰

12. Fare to be demanded and issuing of receipts

- (a) The driver shall not demand from any hirer of a private hire stretched limousine vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter **or an approved operator's GPS device** and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter

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- (b) The driver will supply the hirer or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is: -
- (i) The name of the operator
 - (ii) The date & time of the hiring
 - (iii) The drivers licence badge number
 - (iv) The cost of the journey
 - (v) Signature and printed name of the driver.

13. Lost property

Any property or articles of any description left in a private hire stretched limousine vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to **Elland Road Police Station**. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

14. Animals

The driver shall not convey in the private hire stretched limousine vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

Section 4 - conditions attached to a private hire novelty trike drivers licence

1. Driver licences

Each driver shall deliver to his employing operator the licence to drive a private hire vehicle. The employing operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the City Council at the request of an Authorised Officer.

A driver may not be licenced to drive for more than one operator at a time.

2. Change of operator

A licensed driver must inform the section immediately in writing and in any case not more than 72 hours after the event if he / she changes operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this condition.

A driver may not be licenced to drive for more than one operator at a time. If a driver wishes to work as a passenger contract driver via a different operator, he / she can apply separately to Passenger Transport.

3. Change of address

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

4. Medical circumstances

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner has advised them not to drive (Reference <https://www.gov.uk/health-conditions-and-driving>).
- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner (or another GP who has access to their medical record) or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence.

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(c) Disability Discrimination

Every licensed driver must conform to the requirements of the Equality Act 2010, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.²

5. Requirement to report convictions & associated incidents³

(a) Any of the following events must be reported in writing to the taxi & private hire licensing office within 72 hours during the currency of a licence giving full details:-

- (a) any conviction or finding of guilt (criminal or driving matter);
- (b) any caution (issued by the Police or any other agency);
- (c) issue of any Magistrate's Court summons against them;
- (d) issue of any fixed penalty notice for any matter;
- (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- (f) their arrest for any offence (whether or not charged);
- (g) **any interview by the Police, whether voluntarily or not.**

(b) When required a licensed driver will undertake enhanced Disclosure & Barring Service (DBS) vetting at his/ her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

6. English language, literacy & numeracy testing⁵

Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an Authorised Officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or if there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.

Please note that the council is reviewing its driver training specification and provision during 2018-19, and this training will be subject to change

7. Training to expected standards of service and safety⁶

(a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a

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refusal or failure to attend, or the licensed driver does not actively participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

Please note that the council is reviewing its driver training specification and provision during 2018-19, and this training will be subject to change

- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

8. Driver badges

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

9. Conduct of driver

The driver shall:-

- (a) Alight from the vehicle and provide reasonable assistance with passengers' luggage and ensure its safe storage within the vehicle
- (b) In line with Section 165 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/section/165>), in all instances the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely on the vehicle before commencing the journey.
- (c) Ensure that any disabled aid is appropriately and safely stored or accommodated on or within the vehicle.⁷
- (d) On arrival at the pick-up point of a booked journey, use the operators 'ring back' system or radio the operator base to enable the customer to be informed of the booked vehicles arrival⁸
- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination. In respect of passengers with significant visual impairment, personal guidance

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and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.

- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.⁹
- (h) Take all reasonable steps to ensure safety of passengers entering, conveyed in, or alighting from the vehicle driven by him / her. Without exception must conduct a full Health and Safety Risk Assessment for each passenger prior to the commencement of a journey.
- (i) No food or drink is allowed to be consumed whilst the vehicle is being driven.
- (j) Not smoke, **this includes all e-cigarettes or vapes**, at any time on the licensed vehicle, or allow any other person to do so, or adjacent to it.
- (k) Not play or allow to be played any radio or sound reproducing instrument or equipment on the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the operator's radio or data head linked to the operators dispatch system.
- (l) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (m) **Not use unless safely parked a mobile telephone, headset or Bluetooth or similar system** unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the operator has not despatched.
- (n) Not record, or cause to be recorded in the operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the Operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.
- (o) Other than satellite navigation information not display any moving images and not have any other form of visual display screen fitted to the licensed vehicle.

10. Passengers

- (a) **Safety of passengers/ risk assessment.**

Prior to the commencement of a journey the driver will conduct a full risk assessment and comprehensive safety briefing with the passengers. This safety assessment must continue throughout the course of the journey and the driver is responsible for

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ensuring there is no adverse behaviour by the passengers which places either themselves or other road users at risk.

The driver shall repeat the pre-booking requirement carried out by the operator and check:-

1. The maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations
2. That suitable clothing is available for wearing throughout the journey;
3. Advise of the conditions that may be experienced throughout the duration of the journey and the exposure to varying weather conditions;
4. Advise of the conditions that may be experienced throughout the duration of the journey; and the
5. Exposure to varying weather conditions.

In addition to personal clothing which may be worn by a passenger, the driver must ensure that each passenger wears the helmet provided by the operator for the journey. Passengers may elect to wear their own helmet and safety clothing but these must have the same conformity as the condition applied to the operator helmet. The passengers shall be instructed that the helmet must be worn for the duration of the journey.¹¹

- (b) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (c) The driver shall not allow there to be conveyed in the front of a private hire vehicles any child below the age of ten years:
- (d) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

11. Prompt attendance

- (a) The driver of the private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver shall immediately report to the operator such delay.¹⁰

12. Fare to be demanded & issuing of receipts

- (a) The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter **or an approved operator's GPS device** and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter.

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- (b) The driver will supply the hirer or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is: - The name of the operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.

13. Lost property

Any property or articles of any description left in a private hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to **Elland Road Police Station**. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

14. Animals

The driver shall not convey in the private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

Explanatory Notes**1. Health and Safety of passengers (duty of care)**

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states “it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety”. Operators, drivers and Proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

2. A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension or revocation of the licence.

3. Meaning of convictions

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and conditions for private hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal ‘Cautions’, either a simple caution, a conditional caution or a street caution, within Home Office guide lines and relevant Acts of Parliament are more frequently used in appropriate cases and ‘Fixed Penalty Fines’ can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual’s behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

4. This may be by way of random DBS vetting, where the Council has received intelligence or information or as part of an approved policy.
5. Concern has been expressed by Elected Members, the public, Private Hire Licence holders and Officers about the ability of some licensed drivers to speak and understand English to a desirable standard, as well as possessing basic literacy and numeracy skills. The Council has resolved that there should be a minimum standard of English comprehension and which is set at UK Citizenship standard (Entry level 3). Appropriate assessments were designed, overseen and evaluated by Thomas Danby Leeds College, Trade representatives and the Councils Equality Team and are now carried out on behalf of the Council by an approved provider.

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There was no previous testing undertaken by the Council and Members have determined that the new testing procedure will apply to all new applicants, but only to existing licensed drivers in the circumstances where there is a reasonable cause (A new applicant is a person who has not held a licence previously with this Council or whose previous licence expired, was revoked or where the Council refused to renew.)

6. Legislation effecting the provision of public transport has undergone significant change, (for example, the Equality Act 2010, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.
7. Assistance dogs must be carried with the passenger at all times. Drivers must follow the advice of the passenger as to the exact position to best suit their needs.
<http://www.legislation.gov.uk/ukpga/2010/15/section/165>
8. Do not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense.
9. Drivers need to be conscious of concerns that women or children might have about being alone with someone they do not know or only have limited knowledge of. It is very important when involved in conversations with passengers that drivers do not ask personal questions. It is wholly inappropriate and unacceptable that questions are asked about a passenger's private life or personal relationships, especially women or children.
10. Having entered in a private hire contract there is an obligation on the operator & driver to fulfil that contract. Late attendance could result in the hirer missing an important event or travel link and might result in significant compensation being awarded against you. It may also create an unacceptable risk to vulnerable people.
11. The instruction to passengers to wear a safety helmet is subject to the provisions The Motor Cycle Crash Helmet (religious exemptions) Act – 1976.

Should you feel aggrieved by any of the conditions placed upon the grant of a licence, you have the right of appeal to the Magistrates Court within 21 days from the date when this licence was served upon you.



Three Year Licences

Taxi and Private Hire Licensing

1. Background information

In England (outside London), Hackney carriage and private hire licences are issued by district Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire or reward on public roads. In Leeds, licensing and enforcement matters are dealt with by the Taxi and Private Hire Licensing Section.

Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 specifies that a driver's licence may remain in force for three years or for a lesser period as specified by the Local Authority.

2. Am I eligible to apply for a three year licence?

The Council has a statutory responsibility before it grants a licence to ensure an applicant is a 'fit and proper' person. That responsibility continues throughout the lifetime of a licence.

An initial driver licence will be issued for a period of 12 months.

At the point of renewal, licensed drivers are able to choose whether to apply for either a one year licence or three year licence.

3. How do I apply for a three year licence?

Important: You must do this three months prior to your current licence expiring.

4. I've been granted a three year licence; can this be suspended or revoked?

Yes. Sometimes licences are suspended as a precautionary public safety measure following an allegation.

5. If I don't renew my licence on time what will happen?

If you drive whilst unlicensed you would be committing a serious offence and liable to prosecution.

We will not chase you for your renewal; it is your responsibility. If you fail to renew your licence on time because you have overlooked the renewal, we will need to put in place all of the safety checks described earlier.

In many cases this can be accommodated in genuine circumstances but on occasions we will insist on the public safety test is satisfied.



Medical Exemptions

Taxi and Private Hire Licensing

Background information

The Equality Act 2010 means that employers and service providers must make ‘reasonable adjustments’ or changes to take account of the needs of disabled employees and customers.

Leeds City Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and private hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

The Equality Act 2010, Section 165, places the following duties on drivers of designated wheelchair accessible taxis and private hire vehicles;

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat, to carry their wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required

In addition, Sections 168 and 170 places the following duty on drivers of taxis and private hire vehicles;

- To carry the passenger’s dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

1. What is a medical exemption?

In some circumstances a driver of a designated taxi or private hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

2. How to apply for a medical exemption

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To apply for a medical exemption certificate, a driver must obtain a Doctor's note detailing exactly what duties cannot be undertaken and why. This note must be handed to their taxi association or operator who, for a period of three months, will support the driver by allocating none wheelchair/ assistance dog user work via the radio.¹¹ A copy of the original Doctors note must also be presented to the Taxi and Private Hire Licensing Section by the driver applying for the exemption. ¹²

Those drivers who work independently of a Taxi Association must ensure that their Doctor's note is presented to the Taxi and Private Hire Licensing Section as soon as possible.

A medial exemption is not valid for those passengers who choose to sit in a passenger seat and stow their wheelchair, or where a partition separates the driver from an assistance dog, unless the Doctor's note specifically indicates that the exemption should apply on all occasions. The driver must always check with the passenger if they are willing to be carried in this way before using their medical exemption.

Where the driver seeking a medical exemption is a proprietor who owns both a wheelchair accessible vehicle and a saloon vehicle, the driver must endeavour to change vehicle rather than apply for a medical exemption.

It is anticipated that drivers will enter into the spirit of the act, supplying the service for which the licence was issued, by adapting the vehicle where practically possible to overcome health issues. The Taxi and Private Hire Licensing Section may consider imposing a reasonable licence Condition to support this.

3. Referral process

Upon receipt of the Doctor's note, the Taxi and Private Hire Licensing Section will provide a temporary exemption certificate which will cover the driver for a period of up to three months. The Taxi and Private Hire Licensing Section may also initiate a driver referral to Leeds City Council's preferred, authorised Occupational Health provider, the cost of which must be borne by the applicant.

If the Doctor's note states that the driver is unfit to carry passengers in wheelchairs and/ or assistance dogs for a specified period of time, up to a maximum of three months, a temporary exemption notice will be issued with an expiry date in line with the information provided on the Doctor's note. Upon expiry, the Taxi and Private Hire Licensing Section will deem drivers fit to undertake all duties unless a second Doctor's note is received. Upon receipt of a second Doctor's note, the referral process will be initiated as detailed above. If upon expiry the temporary exemption certificate is not returned to the Taxi and Private Hire Licensing Service, the drivers licence will be suspended until such time as the certificate is returned or a further Doctor's note is received.

When the referral process is initiated, the driver will receive a letter advising that this is the case (Appendix 2). The driver must then contact their GP to arrange for a more in depth

¹ Taxi Associations are unable to exempt their drivers from carrying disabled passengers from the Railway Station rank and when flagged down by members of the public.

² Photocopies will not be accepted.

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medical report to be compiled, the cost of which must be borne by the applicant, and sent directly to the Councils preferred, authorised Occupational Health provider. Drivers will be given a letter to present to their GP which explains the requirements (Appendix 3).

Prior to the expiry of the three month temporary exemption certificate, and assuming that the requested medical report has been received, the Occupational Health provider will contact the driver to arrange an appointment. At this stage the driver has the option to either;

- (i) declare themselves fit and return to normal duties
- (ii) attend the appointment with the Occupational Health provider

If the driver declares themselves fit to return to normal duties, the temporary exemption certificate must be returned to the Taxi and Private Hire Licensing Section and the Taxi Association or Operator informed of the decision. If the temporary exemption certificate is not returned to the Taxi and Private Hire Licensing Section the drivers licence will be suspended until such time as the certificate is received.

4. Outcome of referral

If the driver attends the appointment with the Occupational Health provider, the following outcomes may be recorded (Appendix 5);

- (i) Fit for work
- (ii) Fit with reasonable adjustments (specified)
- (iii) Permanently unfit to carry passengers in wheelchairs and/ or assistance dogs
- (iv) Temporarily unfit to carry passengers in wheelchairs and/ or assistance dogs

If the driver is declared fit for work, the temporary exemption certificate must be returned to the Taxi and Private Hire Licensing Section. The Taxi Association or Operator will be made aware of the decision and the driver will be expected to resume normal duties. If the temporary exemption certificate is not returned to the Taxi and Private Hire Licensing Section the drivers licence will be suspended until such time as the certificate is received.

If the driver is declared fit with reasonable adjustments, a further temporary exemption certificate of up to three months may be issued. It is expected that within those three months the driver will undertake the reasonable adjustments to allow a return to full duties. At the end of the three month period the temporary exemption certificate must be returned to the Taxi and Private Hire Licensing Section and the driver will be expected to resume normal duties. If upon expiry the temporary exemption certificate is not returned to the Taxi and Private Hire Licensing Section the drivers licence will be suspended until such time as the certificate is returned.

If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an exemption certificate will be issued. The certificate will include a passport sized photograph of the driver who has been granted exemption, provided by the driver, and must be displayed in the vehicle for public viewing. The exemption may be reviewed every one to five years, with reference to expert medical evidence, and each case will be reviewed on its own merits. This may result in a further referral to Leeds City Council's authorised

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Occupational Health provider to determine if the driver remains medically unfit to carry passengers in wheelchairs and/ or assistance dogs

If the driver is declared temporarily unfit to carry passengers in wheelchairs and/ or assistance dogs, a temporary exemption certificate will be granted, the time length of which will be determined by the Occupational Health provider. The driver will be expected to attend a further Occupational Review as specified by the Occupational Health provider.

5. Appeals process

If the driver does not agree with the decision to refuse the application for a medical exemption, they are able to appeal the decision to the magistrates' court. The driver has 28 days from the date of refusal to appeal.



Plying for Hire

Taxi and Private Hire Licensing

1. Background Information

In England (outside London), Hackney carriage and private hire licences are issued by local Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire or reward. Hackney carriages can be flagged down on the street or at ranks and private hire vehicles must be pre-booked and dispatched by the licensed operator.

In Leeds, licensing and enforcement matters are dealt with by the Taxi and Private Hire Licensing Section.

The success of Leeds as a city leads to social and business activity making a significant demand upon transport services. When other forms of public transport have ceased for the day, the taxi and private hire trade continue to service that public demand.

2. The Private Hire Sector and Plying for Hire

The increase in the private hire sector is matched by an increase in complaints from communities and Ward Councillors, especially surrounding plying for hire activities which disrupts the private lives of residents.

Officers have increasingly been unable to deter private hire drivers from plying for hire, and on many occasions have had to abandon enforcement activity in terms of 'detecting offenders' to virtually moving 'offenders' on to reduce offending and road blockages.

The demand for private hire is evident and the capability to meet that demand would also appear to be relatively high within the licensed fleet.

The key dangers to the public regarding licensed drivers plying for hire are:

- When plying for hire, the vehicle's insurance becomes invalid;
- Drivers/ vehicles plying for hire are not booked through their Operator, significantly reducing the chances of detecting offenders in the event of inappropriate behaviour or the commission of a crime;
- In the midst of licensed vehicles, those that are unlicensed or suspended are far more likely to escape enforcement action;
- The charging regime of operators is wholly undermined and there is evidence of private hire drivers demanding unreasonable amounts of money for relatively short journeys;
- The licensing policy of the Council in how it deals effectively with these private hire drivers is the subject of media review; and
- The Hackney carriage trade are often unable to ply their lawful trade because of ranks being filled by private hire vehicles and city centre roads being blocked.

The Local Government (Miscellaneous) Provisions Act, 1976 describes circumstances where a district Council can refuse to grant, renew, suspend or revoke a private hire driver licence.

In particular the Council may consider whether the licence holder or applicant is a 'fit and proper' person to hold such a licence. There is a range of circumstances that may fall within

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this description and the Council has a clear policy and criteria on who is suitable to hold a private hire drivers licence in terms of criminal and motoring convictions. It is felt that drivers who illegally ply for hire, with all the consequential effects, and who are prepared to transport the public without insurance may reasonably be so described.

3. The Plying for Hire Policy

The plying for hire policy aims to clearly set out the consequences to licensed drivers, in terms of suspension or revocation of their private hire drivers licence, where plying for hire offences are revealed. The policy also enables Officers to progress the decision process more quickly and also make the decision more defendable in Court, where appropriate.

- Where a licensed driver is found to be plying for hire, with evidence which supports a criminal prosecution, or Home Office Caution, that the driver will normally be suspended and immediate consideration given to the revocation of the licence.
- Where a drivers licence has been successfully revoked or not renewed, that driver will, normally, not be granted a further licence by this Council for one year.
- Where there is an existing conviction or formal Home Office Caution for this type of offence, wherever it occurred, when an application for a new licence is received, the applicant will normally not be granted a licence for a year following the date of conviction or caution.
- In the event of a second such incident, the driver or applicant would not normally have a licence granted for four years following the date of conviction or caution.
- In every instance however, each case would be considered on its own merits

Please note that the council is reviewing its suitability and convictions policy during 2018-19, and the periods for which a licence will be refused will be subject to change

If your application or renewal form contains details of a previous licence being refused or revoked by a licensing authority, the council will contact that authority.

The affected driver, or applicant, has a right of appeal, within the Act, direct to the Magistrates Court. There is also the opportunity to judicially review such a policy.

Taxi and Private hire Licensing

225 York Road
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Tel: 0113 3781570

Email: taxiprivatehire.licensing@leeds.gov.uk

www.leeds.gov.uk/taxis

Service Opening Hours

Monday - Thursday	08.00 - 15.30
Friday	08.00 - 15.00
Staff Training	3 rd Tuesday in every month 08.00 - 10.00



This policy reviewed & published November 2018

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Guidance on adopting the National Register of Taxi Licence Revocations & Refusals (NR3)

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Annex D – Suggested template policy relating to requests for information, disclosure of information, and use of information as a result of an entry on NR3, including template disclosure form

1. Background

Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences¹ are ‘fit and proper’ to do so. This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.

The process of assessing whether an applicant or licensee is ‘fit and proper’ may vary between authorities but there is widespread consensus on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence - assuming the second authority was aware of the earlier revocation.

At the moment, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant’s past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

In response to this issue, the Local Government Association (LGA) has commissioned the development of a national register of hackney carriage and PHV driver licence refusals and revocations, the ‘National Register of Refusals and Revocations’ or NR3. The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers’ licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure. For the avoidance of doubt, NR3 does not extend to vehicle or operator licensing decisions.

This guidance note provides information on the steps that licensing authorities should take to ensure that they have the necessary supporting procedures in place to make use of the register. Specific user guidance and training materials on using the register will be published separately.

Important

Licensing authorities will be data controllers in relation to their processing of personal data in connection with NR3, including in relation to uploading information to NR3, consulting NR3, and disclosing or receiving information about individuals who appear on NR3. Licensing authorities are therefore strongly advised to work closely with their information governance and legal teams to assure themselves that they are taking the necessary steps to comply with data protection and other laws in regard to NR3.

¹ Throughout this document, this term includes dual or combined Hackney / PHV licences.

2. Objective of NR3

The simple objective of the national register is to ensure that authorities are able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant. This will be achieved by providing a mechanism for licensing authorities to be able to check whether an individual has had a licence refused or revoked. Whenever a licensing authority processes a new application for a hackney carriage/PHV driver's licence, or for a renewal, it should check the register at a suitably early stage of the process to confirm whether the applicant was subject to a previous licensing decision that they should be aware of.

Every application must always be considered on its own merits. A licensing authority must not fetter its decision-making, or appear to have simply relied upon the previous decision of another authority. The purpose of the register is not to mean that an applicant who has been refused a licence on one occasion will always be refused.

However, it will always be relevant for an authority to consider a previous refusal or revocation, and the reasons for that decision. That previous decision may in many cases warrant significant weight to be given to it. Licensing authorities will wish to think carefully about taking a different view to an earlier decision. Depending on the nature and context of the earlier decision, they may require strong and new evidence to support a different view, having regard to the representations of the applicant. Any authority will wish to have proper respect for the decision of a previous authority, having regard to the fact that a driver had the right of appeal to the Magistrates' Court against a decision which was wrong or flawed. Without this approach, the objectives of safeguarding and consistency – and the reputation of local government – will be undermined.

The register will not record suspensions of drivers' licences. This is for the following reasons:

- i. any suspension that was later lifted because the original information was false or unsubstantiated would have to be removed from the register, but any search during the period that the information remained in the register might prejudice a subsequent application
- ii. suspension should not be used as an interim step pending revocation. If the matter is serious enough to warrant a driver being prevented from driving, revocation should be the action taken²; and
- iii. where a suspension period is imposed as a short-term punishment for minor transgression, this should not influence a subsequent decision, as further serious non-compliance should lead to revocation³. Accordingly any pattern of unacceptable behaviour should be identified by revocations or refusals to renew, rather than by a recurring pattern of suspensions.

For these reasons, no records of suspension should be included, including migration of historic records relating to suspension.

² See *R (on the application of Singh) v Cardiff City Council (Admin)*, [2013] LLR 108 and *Reigate & Banstead Borough Council v Pawlowski* [2018] R.T.R. 10

³ Suspension as a punishment is permissible – see *R (on the application of Singh) v Cardiff City Council* [2013] LLR 108

3. Voluntary disclosure of previous licensing history

NR3 provides a mechanism for sharing information about an individual's previous licensing history if they have had a licence revoked or an application for one refused. Most licensing authorities already ask applicants to indicate on their application forms whether they have previously had a licence revoked or refused. With the introduction of NR3, authorities should ensure that the request for this information is clearly set out on the application form and accompanying guidance notes. Where an applicant fails to volunteer information that has been clearly requested but which is subsequently identified through NR3, this may in itself raise questions about the applicant's integrity and status as a fit and proper person.

4. NR3 - an overview

4.1. Accessing the register

The national register is hosted by the National Anti-Fraud Network (NAFN). Access to the register is only available to members of NAFN. Licensing authorities are encouraged to join up to NAFN and recover the cost of this through their taxi licence fees. NAFN can be contacted by email on general@nafn.gov.uk.

NAFN members will need to sign up specifically to the NR3 element of the NAFN database, which will allow access to the dedicated portal. This is a relatively straightforward process and can be done by contacting NAFN.

A relevant officer will need to be designated as a single point of contact (SPOC) as part of the registration process. Authorities which already use the NAFN system will already have an existing SPOC in place (or potentially multiple SPOCs for different areas of functionality), so consideration will need to be given to the interaction between existing NAFN contacts and the new NR3 functionality.

Once set up on the register, other officers will be able to create user accounts which will allow them to submit data or search the register, but these accounts will need to be verified/approved by the SPOC. Consideration should be given to the number of officers that need to be set up with user accounts to enable them to use the register to search / input information.

Subscribing to the national register will require local authorities to sign up to data sharing and data processing agreements with NAFN. These agreements outline the necessary steps the authority will need to take to ensure compliance and will cover requirements under both the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).

4.2. Register functionality

The register has two basic elements of functionality; it enables authorities to record details of relevant drivers, and it enables them to undertake searches of the data held in the register.

Licensing authorities will be responsible for adding basic details of drivers who have had a licence revoked or an application for one refused. The intention is that when a licensing authority receives an application for a licence or a renewal, the applicant's details will be checked on the register to confirm that there is no record of them having being revoked or refused elsewhere.

Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy, but will not give a reason or explanation of why an action was taken. It will be up to individual authorities to follow up on any searches which come back with a match with the appropriate licensing authority, whose contact details will be included in the search result.

Details will be kept on the register for a period of 25 years, and local authorities will therefore need to ensure that their own information governance policies reflect this. The register has been developed to support public safety through the potential sharing of information that is relevant to consideration of whether an individual is a fit and proper person to hold a taxi licence. There will be instances where the basis for an individual's licence being revoked or refused is sufficiently serious as to remain relevant to a future taxi licence application however far in advance it is submitted; for example, where it concerns an issue of sexual misconduct in relation to a passenger. The data retention period for the register has therefore been set to reflect the potential gravity of some revocations and refusals, and the need for this information to be shared. However, as set out later in this document and in the supporting policy at Annex D, any information to be shared between authorities outside of the register must be shared on a proportionate and time limited basis, in accordance with the authority's policy for doing so. If an authority did not take a case specific approach but chose to share all data over the full retention period, this would be likely to be disproportionate and therefore unlawful.

Authorities will need to ensure that their information governance policies are updated to make reference to the NR3 retention period, the associated retention period for supporting taxi licence data, and the rationale for it.

4.3. Historic data migration

The first step once subscription to the register has been completed is to populate the register with historic data of licence revocations and refusals. To do this, licensing authorities will need to submit historic data via CSV file to NAFN. NAFN have provided a standard template to use to submit data.

The majority of licensing authorities will use an electronic licensing system, and therefore will be able to obtain extracts from their licensing systems which can then be cut and pasted into the spreadsheet. However, if authorities use a manual system to issue licenses, they will need to manually fill out the spreadsheet.

In order to comply with data protection law, there must be a point beyond which historic data will not be uploaded. It is difficult to determine what that should be. However as the retention period for data on the register is 25 years, this appears to an appropriate period. Accordingly no historic data more than 25 years old should be uploaded to the register. It is important to note here that the 25-year data retention period begins at the point at which a licence was refused or revoked, rather than the date when the data was uploaded to the register.

Crucially, it is vital to ensure that any historic data which is uploaded by a licensing authority has not been retained in contravention of that authority's own retention policy. It is accepted that this may lead to differing ages of historic data being uploaded, but that is unavoidable to ensure compliance with data protection law.

Before any historic data is uploaded, the authority must write to those individuals who the data concerns stating that the data will be uploaded at a future date, which should be a

period of not less than 28 days. Individuals should be informed about the purposes of the data processing, the legal basis for it, and their various rights to object in regard to this.

Although the letters do not specifically need to invite representations about the proposal, any representations that are made in that period should be considered by the authority and data should only be uploaded where the authority feels that it is fair and appropriate to do so. This will not prevent historic data being uploaded, but will ensure that where data is held which may be uploaded, there is an opportunity for the authority to reconsider whether that is the correct action to take. A template letter for contacting former licence holders is attached at Annex C.

Once historic data has been submitted, any new revocations or refusals will need to be entered onto the NAFN register portal by a licensing officer as and when decisions are taken.

5. Updating licensing processes and procedures

Using the register will necessitate some key changes to the way applications and renewals are processed and information recorded.

5.1. Informing applicants of the NR3 register

Applicants must be informed of the existence of the NR3 register and that it will be consulted in connection with their application (and subsequent applications to renew licences).

They must also be informed that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused.

Licensing authorities in receipt of applications must ensure that applicants are given the contact details of the data protection officer for the licensing authority, contact details for NAFN, and are advised of the fact that the information can be retained for up to 25 years (which is the retention period) and the fact they have a right to lodge a complaint with the Information Commissioner, together with the contact details for the Information Commissioner. It is suggested that this information is included in the privacy information provided to individuals when they apply for a licence. This is discussed further in 6.1.

5.2. Adding details of a refusal or revocation

When an application for a licence is refused, or an existing licence is revoked, authorities will need to enter this information onto NR3. It will be important to ensure that authorities only enter refusals that have genuinely been considered and refused; NR3 is not intended to capture details of incomplete applications which an authority does not process. The key point is that a decision has been taken because there is evidence that an individual is not a fit and proper person to hold a licence.

Entering this information will be a simple and quick step, as only a limited amount of information will be added to the register: the individual's details; the date of the decision; the date it takes effect; and the decision taken – but not the reason for the decision.

Several authorities have reported that individuals who have had a licence revoked have previously moved very quickly to try to gain a licence elsewhere. It will therefore be important that authorities are prompt in adding the details of refusals or revocations to the register, so

that the information is available in the event that an individual does seek to secure a licence from another authority.

Authorities should ensure that they include the entries onto NR3 in their authority wide records of their data processing activities.

5.3. Checking the register as part of the application and renewal process

The second process change will relate to applications for hackney carriage/ PHV driver licences. Licensing authorities will also wish to check the register when they undertake licence renewals; firstly to confirm any historic information that may have been added in respect of one of their licensees, but also because it is possible that some drivers may hold more than one licence, and could therefore have one revoked in another area.⁴

This in itself is a two-stage process: stage one is the checking of the register; stage two is making a request to the authority that uploaded the information to the register for details of the revocation or refusal.

Once signed up to the register, licensing authorities will need to ensure that they check the details of new applicants on the register, to identify whether they have a previous licensing history (which may or may not have been disclosed on an application). Individual authorities will need to determine the appropriate point in their application process at which to check the register; however, it is suggested that this is done at a very early stage so that the authority can processes the application with the knowledge of any previous history, if the applicant has one.

Guidance on using the register will set out the search parameters that authorities can use. It has been recognised throughout the process that individuals may use different names or provide different details to different authorities - perhaps in an attempt to avoid association with any previous issues – and searches should therefore take this into account.

If a search of the register does not indicate that an applicant has any previous history the authority should be aware of, then the authority should continue to process the application as normal. A negative search result will not, of course, mean that the applicant is a fit and proper person; that will be for the authority to assess in the usual way.

If a search does indicate a possible match on the register, then the authority will need to move on to stage two and seek further information. The register will indicate which authority has entered a possible match, and provide contact details for that authority.

It is suggested that an authority seeking information from another authority about an entry on the register should make a request in writing for the information on which the decision recorded in the register was based (a suggested form is included at the end of Annex D). Authorities are encouraged to respond to such requests as soon as possible, and ideally within 10 working days of receiving a request.

⁴ The growth of app-based models and sub-contracting changes introduced by the Deregulation Act have both facilitated increased ‘out of area’ working, and may therefore make it less likely that in the future, under the existing framework, a driver would hold more than one licence.

The sharing between licensing authorities of this more detailed data - which may often involve the processing of special category personal data⁵ - is not included within the data processing and data sharing agreements governing use of the register itself. Any authority which shares information in response to a request, and any authority which receives information having made a request, must have in place a clear and published policy which governs its approach to the circumstances in which it will share, receive and use information of this type. It must be recognised that information will not be shared following every request. The authority that receives the request must consider whether it is actually proportionate to share this information, and ensure that disclosures are not arbitrary. This must also be detailed in their policy document. Having such a policy is a requirement of data protection law, Article 8 of the European Convention on Human Rights and of public law.

If such a policy is in place which properly differentiates between circumstances, both authorities will be entitled to rely on processing conditions under Article 6(1)(e) and, in cases of special category data, Articles 9 and 10 GDPR⁶. Licensing authorities will need to satisfy themselves that they have followed the appropriate processes in sharing this more detailed data.

The authority that receives the request must consider what information, if any, to reveal to the requesting authority. This is not intended to undermine the effects of the register: it is essential to ensure that disclosures are compatible with the Data Protection Act, the General Data Protection Regulations, and the Human Rights Act. In making its decision the authority must consider the nature and seriousness of the conduct which led to the revocation or refusal to renew, and the time that has elapsed since the decision was made.

This will require not only a clear published policy, but also a decision-maker who has sufficient training and knowledge of the requirements to enable him/her to make an informed decision regarding disclosure.

It is suggested that where the time that has elapsed since the revocation or failure to renew exceeds the time limits relating to the particular conduct that are contained in the Institute of Licensing's "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades"⁷, serious consideration should be given as to whether or not the information should be revealed.

A suggested template policy is attached at Annex D.

To ensure compliance with article 30 of the GDPR, the authority must maintain a clear written record of every disclosure made following a search of the register. This should be a separate document, and it is not sufficient to simply mark an existing register of licences.

⁵ Special category personal data is sensitive data that could reveal someone's racial or ethnic origin, political opinions, religious beliefs, trade union membership, and data concerning health or sex life.

⁶ Found in Parts 1, 2 and 3 of the DPA 2018.

⁷

[https://cplresourcestorage.blob.core.windows.net/documents/226798_Guidance%20on%20Suitability%20ONLINE%20PDF%20\(2\).pdf?sv=2013-08-15&sr=b&sig=sLMffzDNvtMihhMQ2xu1vOIUEQbD1n05TTY%2BrDTv9UM%3D&st=2018-07-17T14%3A28%3A32Z&se=2018-07-17T14%3A34%3A32Z&sp=r](https://cplresourcestorage.blob.core.windows.net/documents/226798_Guidance%20on%20Suitability%20ONLINE%20PDF%20(2).pdf?sv=2013-08-15&sr=b&sig=sLMffzDNvtMihhMQ2xu1vOIUEQbD1n05TTY%2BrDTv9UM%3D&st=2018-07-17T14%3A28%3A32Z&se=2018-07-17T14%3A34%3A32Z&sp=r)

The document must include the fact that disclosure was made, but not specify the contents of that disclosure.

5.4. Acting on detailed disclosures

The licensing authority that receives a disclosure under stage two must then act upon it. As detailed above, the information may warrant significant weight being attached to it, but it is vital authorities do not use evidence of a previous refusal or revocation as the sole basis for their current decision.

To ensure compliance with article 30 of the GDPR, the authority must maintain a clear written record of the action that is taken following the receipt of information from the register. This should be a separate document, and it is not sufficient to simply mark an existing register of licences.

6. Complying with data protection requirements

Licensing authorities will need to ensure that any individuals whose data is uploaded or entered onto NR3 is made aware of this: it is a legal requirement that data subjects must be made aware of the collection, storage and use of their personal data via a privacy notice.

In relation to NR3, the following details must be included in a privacy notice:

- The name and contact details of the licensing authority.
- The contact details of the authority's data protection officer.
- The purpose of the processing.
- The lawful basis for the processing.
- The recipients or categories of recipients of the personal data.
- The retention periods for the personal data.
- The rights available to individuals in respect of the processing.
- The right to lodge a complaint with a supervisory authority.

For current licensees or applicants, authorities should ensure that information about NR3 is included in:

- licensing policies
- application forms
- correspondence to named individuals that confirms that a licence has been revoked, or that an application for a licence has been refused.

These should fulfil the requirements for privacy notices, and suggested wording is provided in Annexes A and B.

Authorities will also need to ensure that they inform individuals in respect of whom a historic decision has been entered onto the register. Again, this correspondence should fulfil the legal requirements for privacy notices, and the LGA has developed a template letter that licensing authorities may wish to use for this purpose (Annex C).

Individuals whose details are contained on the register may submit a ‘subject access request’ (SAR) seeking copies of their details from the register at any point. **Full details of the process, mechanism and suggested point of contact for submitting a SAR must therefore be included within each local authority’s policy, and also contained within application forms and supporting documentation when a licence is issued.** Should a SAR be received by an individual licensing authority, it should be dealt with as per the relevant authority’s process. Licensing authorities, as the data controller, will need to liaise with NAFN, as the data processor, to fulfil SARs.

Licensing authorities will need to ensure that anyone whose details are included on NR3 is aware of their rights in relation to their data. In addition to the right to being informed, under the Data Protection Act, data subjects may have other rights in relation to the processing of their data. Various of these rights will apply in relation to the NR3, including: the right to object, the right to request access to data; the right to rectification or erasure of data, and the right to restrict processing of data.

It is important to note that although data subjects have the right to make these requests, the licensing authority does not have to agree to them. The fact that NR3 has been deemed necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller makes its very unlikely that an authority would agree to these rights, other than the rights to access individual data on the NR3 and the rectification of data where an error has been made. However, authorities will need to respond to these requests within thirty days, setting out their decision.

6.1. Updating the licensing policy, application forms and guidance

Licensing authorities will therefore need to update their hackney carriage / PHV licensing policies to reflect the use of the register and the new processes arising from it, including that relevant information on the register will in future be part of the process for assessing licence applications and whether an individual is a fit and proper person.

Authorities will similarly need to update their application forms and related paperwork (such as guidance notes) to make it clear that:

- all applicants will have their details checked against the register, and any relevant information taken into account in assessing the application
- where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.

These statements should provide assurance that this information will be processed in accordance with the DPA and GDPR. Suggested forms of words are included at Annex A.

Where an authority decides to refuse or revoke a hackney carriage / PHV licence (the first authority), the decision notice should refer to the authority’s earlier notification in guidance and on application forms that the decision will be entered onto NR3. It should also make clear that if the individual makes an application to another licensing authority (the second authority) for a drivers’ licence at a later date, the second authority will check the register, and the details of the refusal or revocation may be provided to them by the first authority, in line with their policy for disclosing information.

6.2. Making existing licensees aware

As well as new applicants, you will also need to make existing licensees aware of the fact that the authority has signed up to the register, and that if their licence is subsequently revoked or not renewed, this will be recorded. A suggested form of words is included at Annex B.

Annex A – guidance on amendments to policies and forms

Authorities will need to update their application forms and related paperwork (such as guidance notes) to make it clear that:

- all applicants will have their details checked against the register, and any relevant information taken into account in assessing the application
- where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.

The statements included in forms and guidance should provide assurance that this information will be processed in accordance with the DPA and GDPR. Critically, it should also make clear that there is a lawful basis for processing the data, which is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Where an authority decides to refuse or revoke a hackney carriage / PHV licence, the decision notice should refer to the authority's earlier notification in guidance and on application forms that the decision will now be entered onto the national register.

I. Suggested form of additional wording for licensing policy document and application paperwork

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken

- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of [applying for] [being granted], a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [link / set out separately].

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

II. Suggested form of additional wording for decision letter concerning refusal of an application

In accordance with [insert appropriate reference to policy document or application paperwork explaining membership and implications of NR3], the decision to refuse your application will be entered onto the National Register of Taxi Licence Refusals and Revocations (NR3). The information entered onto NR3 will be limited to your:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken (but not the reason for it)
- date of decision
- the date the decision took effect.

This information will be processed and shared in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR), and is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Recording this information on NR3 does not mean that you will be automatically prevented from securing a licence in future, but is intended simply to ensure that licensing authorities

are able to access your full licensing history should you make further licence applications elsewhere. Information will be held on the register for 25 years. If during that time another authority requests further details relating to this decision because you have applied to it for a licence, we may provide our reasons for the refusal of this application, in accordance with our policy at [details/link].

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office.

III. Suggested form of additional wording for decision letter concerning revocation

In accordance with [insert appropriate reference to policy document / application paperwork / letter to existing licence holders explaining membership and implications of NR3], the decision to revoke your licence will be entered onto the National Register of Refusals and Revocations (NR3). The information entered onto NR3 will be limited to your:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken (but not the reason for it)
- date of decision
- the date the decision took effect.

This information will be processed and shared in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR), and is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Recording this information on NR3 does not mean that you will be automatically prevented from securing a licence, but is intended simply to ensure that licensing authorities are able to access your full licensing history should you make further licence applications elsewhere. Information will be held on the register for 25 years. If during that time another authority requests further details relating to this decision because you have applied to it for a licence, we will provide our reasons for the revocation of this licence in accordance with our policy at [details/link].

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and

the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office.

Annex B – suggested notification to existing licensees of NR3

To all hackney carriage / PHV / dual [combined] licence holders

Dear licensee

National Register of Taxi Licence Refusals and Revocations

I am writing to make you aware of a new initiative which X authority is involved in to help strengthen hackney carriage/ Private Hire Vehicle (PHV) licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

As you may be aware, the Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Taxi Licence Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN). The intention of this is to prevent drivers who have had a hackney carriage or PHV licence revoked or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in the hackney carriage and PHV trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or PHV licence revoked or an application for one refused. The development of NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.

From [insert date], this authority will begin using the NR3. This means that from that point:

- Applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3.
- Where an existing licence is revoked or an application for renewal or a new licence is refused, this will be recorded on NR3.

This authority, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of 25 years. Any relevant data entered onto NR3 which relates to existing licence holders may be considered as part of future renewal processes.

The information recorded on NR3 will be limited to your:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- the date of the decision
- the date decision was effective

Information will be retained on NR3 for 25 years.

Where an applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to your record will be responded to in accordance with the authority's published policy at [details/link]. Licensing authorities will still be required to consider each application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details].

You always have the right to make a complaint to the Information Commissioner's Office.

Yours sincerely

Licensing authority

Frequently asked questions

Why has the register been set up?

NR3 has been developed to improve public safety and confidence in hackney carriage and PHV licensing. There have been numerous high profile cases where drivers who have been refused licences or had a licence revoked in one area have gone to another area and received a licence in that area by failing to disclose their previous history. This undermines public safety, if there are legitimate reasons why a licence was refused or revoked, and damages confidence in the hackney carriage / PHV licensing regime and trade. This is why the initiative has been widely supported by reputable drivers and firms, as it will provide a mechanism for ensuring information about refusals and revocations can be shared between all licensing authorities in a safe and secure way, removing this potential loophole.

How will the register work – what information will be recorded?

When an authority revokes a licence, or refuses an application for one, it will record this information on NR3. The information recorded will be limited to:

- name
- date of birth
- address and contact details
- national insurance number

- driving licence number
- decision taken
- date of decision
- date decision effective

Licensing authorities will then search the register when they are processing new applications or renewals. Where an authority finds a match for their applicant on NR3, it will contact the licensing authority that recorded the entry to seek more information, which, if shared, will then be used to help reach a decision on the application.

Will I automatically be refused a licence if I am on the register?

No. Licensing authorities are legally required to consider each licence application on its own merits, and cannot refuse an application simply because an applicant may be recorded on NR3. The purpose of NR3 is to ensure that authorities have the full information necessary to help them reach a decision on whether an individual is fit and proper. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.

What if my licence is suspended?

Suspensions of licences will not be recorded on NR3. This is because suspension should be used as either a short-term punishment or to overcome a short-term situation (e.g. driving or medical issues). Where a driver is no longer considered to be a fit and proper person to hold a licence, the licence should be revoked.

Can I find out if my details are on the NR3?

Individuals whose details are added to NR3 will be notified of this at the point at which they are advised of the decision to refuse or revoke a licence.

Outside of these times, an individual can make a subject access request (SAR) for any of their personal data held on NR3. The ‘data controller’ in respect of this data is this licensing authority, to whom a SAR should be submitted in the first instance. As the ‘data processor’, that is the organisation storing the data, the National Anti-Fraud Network will fulfil this request. Similarly, the exercise of any other rights provided under data protection legislation should be made to this authority in the first instance.

How long will details be held on NR3 for?

Data will be retained on the register to help licensing authorities fulfil their statutory duty to be satisfied that a person is a fit and proper person to hold a taxi or PHV licence. These duties are set out under sections 51, 59 and 61 of the Local Government (Miscellaneous Provisions) Act 1976; sections 13, 16 and 17 of the Private Hire Vehicles (London) Act 1998; section 3 of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003; sections 25 and 30 of the London Cab Order 1934; sections 9 and 19 of the Plymouth City Council Act 1975 and section 46 of the Town Police Clauses Act 1847. In accordance with this purpose, data will remain on NR3 for 25 years.

Annex C - suggested notification to former licence holders or applicants whose details will be entered onto NR3

Dear XXX

National Register of Refusals and Revocations

I am writing to make you aware of a new initiative which X authority is involved in to help strengthen hackney carriage / Private Hire Vehicle (PHV) licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

The Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN). The intention of this is to prevent drivers who have had a hackney carriage or PHV licence revoked or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in both the hackney carriage and PHV trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a taxi or PHV licence revoked or an application for one refused. The development of NR3 has been welcomed by all sections of the hackney carriage and PHV trade, safety groups and charities, the Department for Transport and by licensing authorities.

From [insert date], this authority will begin using the NR3. This means that from that point:

- applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3
- where an existing licence is revoked, or an application for renewal or a new licence is refused, this will be recorded on NR3.

This authority, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of [25 years / the authority's own data retention period]. As part of this process, it is intended that the details of your previous [licence revocation / refusal] will be added to the register in 28 days' time.

The information recorded on NR3 in respect of your case is limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective.

Information will be retained on NR3 for 25 years.

Where an applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to your record will be responded to in accordance with the authority's published policy at [details/link].

Licensing authorities will still be required to consider each application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office.

Yours sincerely

Licensing authority

Frequently asked questions

Why has the register been set up?

NR3 has been developed to improve public safety and confidence in taxi and PHV licensing. There have been numerous high profile cases where drivers who have been refused licences or had a licence revoked in one area have gone to another area and received a licence in another area by failing to disclose their previous history. This undermines public safety, if there are legitimate reasons why a licence was refused or revoked, and damages confidence in the hackney carriage / PHV licensing regime and trade. This is why the initiative has been widely supported by reputable drivers and firms, as it will provide a mechanism for ensuring information about refusals and revocations can be shared between all licensing authorities in a safe and secure way, removing this potential loophole.

How will the register work – what information will be recorded?

When an authority revokes a licence, or refuses an application for one, it will record this information on NR3. The information recorded will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective.

Licensing authorities will then search the register when they are processing new applications or renewals. Where an authority finds a match for their applicant on NR3, it will contact the licensing authority that recorded the entry to seek more information, which, if shared, will then be used to help reach a decision on the application.

Will I automatically be refused a licence if I am on the register?

No. Licensing authorities are legally required to consider each licence application on its own merits, and cannot refuse an application simply because an applicant may be recorded on NR3. The purpose of NR3 is to ensure that authorities have the full information necessary to help them reach a decision on whether an individual is fit and proper. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.

Can I find out if my details are on the NR3?

Individuals whose details are added to NR3 will be notified of this at the point at which they are advised of the decision to refuse or revoke a licence.

Outside of these times, an individual can make a subject access request (SAR) for any of their personal data held on NR3. The 'data controller' in respect of this data is this licensing authority, to whom a SAR should be submitted in the first instance. As the 'data processor', that is the organization storing the data, the National Anti-Fraud Network will fulfil this request. Similarly, the exercise of any other rights provided under data protection legislation should be made to this authority in writing in the first instance.

How long will details be held on NR3 for?

Data will be retained on the register to help licensing authorities fulfil their statutory duty to be satisfied that a person is a fit and proper person to hold a taxi or PHV licence. These duties are set out under sections 51, 59 and 61 of the Local Government (Miscellaneous Provisions) Act 1976; sections 13, 16 and 17 of the Private Hire Vehicles (London) Act 1998; section 3 of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003; sections 25 and 30 of the London Cab Order 1934; sections 9 and 19 of the Plymouth City Council Act 1975 and section 46 of the Town Police Clauses Act 1847. In accordance with this purpose, data will remain on NR3 for 25 years.

Annex D – Suggested template policy relating to requests for information, disclosure of information, and use of information as a result of an entry on NR3

Once an authority has signed up to the NR3, it is able to search the register when an application is received for a new drivers licence, or to renew an existing drivers licence. In this annex, the searching authority is referred to as ‘the second authority.’

If a match is found, then a request can be made to the authority that entered the information onto the NR3 (in this annex, this authority is referred to as ‘the first authority’) asking for more details of the revocation or refusal of a drivers’ licence by the first authority.

The first authority can then provide information to the second authority, enabling the second authority to take the earlier action into account and make an informed decision as to whether or not the licence should be granted or renewed.

To comply with the Data Protection Act, the General Data Protection Regulations, and the Human Rights Act, it is essential that the first authority which provides information about entries on the NR3 register, and the second authority that requests and receives such information, have a clear policy detailing how and when such information will be requested, provided, and how any information provided can then be used.

This is a suggested policy to address those situations. As each authority that signs up to the NR3 may at some point be both the first authority and the second authority for the purposes of this policy, the policy is drafted as a chronological progression through the process an authority may work through as either the first or second authority.

Policy for **Council/TfL** in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the ‘first authority’ refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the ‘second authority’ refers to a licensing authority which is seeking more detailed information about the entry.

I. Overarching principles

This policy covers the use that this authority **[Council/TfL]** will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers’ licence⁸. This information is important in the context of a subsequent application to another authority for a drivers’ licence by a person who has had their licence refused or revoked in the past.

This authority **[Council/TfL]** has signed up to the NR3. This means that when an application for a taxi drivers’ licence is refused, or when an existing taxi drivers’ licence is revoked, that information will be placed upon the register.

⁸ Throughout this policy reference is made to ‘taxi drivers licence.’ This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority [Council/TfL] will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application⁹.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated¹⁰. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined¹¹.

The data will be held securely in accordance with this authority's [Council/TfL] general policy on the secure retention of personal data [which is available at...]. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's [Council/TfL] general policy on the erasure and destruction of personal data (which is available at....).

⁹ The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

¹⁰ Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

¹¹ Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim first arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

II. Making a request for further information regarding an entry on NR3¹²

When an application is made to this authority [Council/TfL] for the grant of a new, or renewal of, a taxi driver's licence, this authority [Council/TfL] will check the NR3.

This authority [Council/TfL] will make and then retain a clear written record¹³ of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority [Council/TfL] discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's [Council/TfL] data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

III. Responding to a request made for further information regarding an entry on NR3¹⁴

When this authority [Council/TfL] receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years¹⁵.

This authority [Council/TfL] will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority [Council/TfL] will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that

¹² This section of the template policy relates to the submission of a request by the second authority.

¹³ This can be electronic, rather than "pen and paper" hard copy.

¹⁴ This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

¹⁵ This record can be combined with the written record of the action taken as a result of the request.

if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority [Council/TfL] is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed¹⁶. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority [Council/TfL] (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority [Council/TfL] will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Institute of Licensing's "*Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades*"¹⁷ [or own policy if this differs]. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority [Council/TfL] will make and then retain a clear written record¹⁸ of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

¹⁶ If the 1st authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1st authority and the 2nd authority.

¹⁷ Available at

<https://www.instituteoflicensing.org/NewsJobsArticle.aspx?NewsID=11318&NewsOrJob=news>

¹⁸ This can be electronic, rather than "pen and paper" hard copy.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

IV. Using any information obtained as a result of a request to another authority

When this authority [Council/TfL] receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications [insert reference to the [Council/TfL]'s policy for determining applications].

This authority [Council/TfL] will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority [Council/TfL] will make in relation to the application.

Appendix 1 - information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

(For completion by requestor authority)

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and

proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at ??.

Signed:
Name:
Position:
Date.....

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual



Declaration by providing authority

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:
Name:
Position:
Date:

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being or has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Communities & Environment	Service area: Taxi & Private Hire Licensing
Lead person: Andrew White	Contact number: 3781562

1. Title: Equality Impact Assessment of proposed changes to driver conditions

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

We are screening the equality impact assessment of a proposed change to the driver conditions.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies and policies, service and functions affect service users, employees or the wider community – city wide or more local. These will also have a greater or lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	x	
Have there been or likely to be any public concerns about the policy or proposal?	x	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	x	
Could the proposal affect our workforce or employment practices?		x
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment		x

<ul style="list-style-type: none"> • Advancing equality of opportunity • Fostering good relations 		
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If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The proposals aim to revise significantly the conditions for drivers – minor changes to private hire driver conditions, and some major changes to hackney carriage and private hire drivers, relating to a national database of refused and revoked licence holders.

A number of comparatively minor changes are recommended.

- **Medical circumstances** – added link to gov.uk webpage on medical rules for all drivers.
- **Requirement to report convictions and associated incidents** – added ‘any Police interview’.
- **Conduct of driver** – added ‘e-cigarettes and vaping’ to list of not smoking in the licensed vehicle. Added ‘headset or Bluetooth’ to list of devices only to be used in emergency circumstances.
- **Passenger** – added link to gov.uk car seat rules.
- **Fare to be demanded** – added reference to ‘operator’s approved GPS device’.
- **Lost property**– added note for lost items to be delivered by drivers to Elland Road Police Station.
- **Three year driver licences**– the additional requirement for five years’ good service could be removed, now that all drivers had valid and up to date enhanced DBS checks and had attended CSE Safeguarding training.

A major change is recommended:

- The council sign up to the currently voluntary Local Government Association / National Anti Fraud Network register of licence holders who have had their licence refused or revoked.
<https://www.local.gov.uk/topics/licences-regulations-and-trading-standards/new-national-register-taxi-and-private-hire>

However, there are two aspects which would need to be taken into account:

- i) The impact on the Leeds taxi and private hire trade;
- ii) The impact on people who use taxi and private hire vehicles.

i) Leeds taxi and private hire drivers have a profile which has higher percentages of the following:

Men (98.5%)

People from a BME background (79%)

People from a Muslim faith (72%)

(Based on Leeds survey of 1637 drivers in 2014)

Median salary of taxi or private hire driver is £18,545 or £8.04 per hour (www.payscale.com)

- ii) Nationally, there is evidence to suggest that the following people are more likely to use taxi and private hire vehicles:

Women. In 2016, on average, women made more taxi or PHV trips than men (12 trips per person vs. 9 trips per person). This remains true for women of all ages above 16 years old.

(DfT 2017

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642759/taxi-private-hire-vehicles-2017.pdf

Disabled people and people with mobility difficulties. In 2015, the latest data available on mobility, on average, adults (16+) with mobility difficulties use taxis or PHVs more than people who do not (16 trips per person vs. 10 trips per person). These figures have remained broadly stable since 2010.

Taxi or PHV usage makes up 3% of all their trips, compared to just 1% for those without mobility difficulties.

These figures have remained broadly stable since 2010.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642759/taxi-private-hire-vehicles-2017.pdf

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

A The proposed minor changes to private hire driver conditions will impact both on license holders and their customers.

- i) License holders in Leeds are disproportionately male, of a BME background and Muslim, and therefore it is likely that a shift to three year licenses will impact on them disproportionately.

Overall, this should have a positive effect, as currently drivers have tended to renew every 12 months.

- ii) License holders in Leeds are disproportionately male, of a BME background and Muslim, and therefore it is likely that a tightening of licensing conditions will impact on them disproportionately.

Requirement to report convictions and associated incidents – added ‘any Police interview’. It may be seen to impact adversely on male, Asian, Muslim drivers. However, this policy clarifies the need to tell the council when interviewed about any interview, it does not follow that by reporting the issue, the driver would be suspended or revoked.

Conduct of driver – added ‘e-cigarettes and vaping’ to list of not smoking in the licensed vehicle. Added ‘headset or Bluetooth’ to list of devices only to be used in emergency circumstances. This condition simply restates the law about only using a phone when parked safely.

Fare to be demanded – added reference to ‘operator’s approved GPS device’. This condition is for the benefit of passengers, to be clear about how fares are calculated.

Lost property– added note for lost items to be delivered by drivers to Elland Road Police Station. This may be seen to discriminate against drivers who are licensed in Leeds but live in Bradford. However, if

they are working predominantly in Leeds, it should not be an unreasonable hardship to leave items of lost property at Elland Road Police Station. Again, this benefits passengers, so they would know which police station to go to.

- iii) Passengers are likely to be disproportionately female, and wheelchair users, or with some other mobility difficulty.

The net impact of the changes in conditions is to strengthen the protection for passengers, at no significant detriment to drivers from protected groups.

B The proposed major change to the policy of having the council notify a national database of any licence holder who has their licence refused or revoked, so that if the applicant applies to another authority, that information can be used to make a licensing decision.

The policy change will undoubtedly disproportionately affect licence holders (mainly drivers), who are predominantly male, BME, Asian and Muslim.

However, the LGA/NAFN have set very clear criteria for how the database should be used, how licence holders will be informed, and the purpose of the database is for licensing authorities to make an informed decision, based on all the information available to them. As with the minor changes recommended by Leeds City Council, this is aimed at improving the safety of passengers, who are also disproportionately in protected groups.

- Actions**
(think about how you will promote positive impact and remove/ reduce negative impact)

The proposed tightening of licence conditions should impact positively on license holders, by way of loosening the requirement for them to renew every 12 months.

The tightening of some conditions relating to vaping or use of mobile phone headsets have a clear passenger safety aspect.

The national database of licence refusals and revocations will require some careful implementation to make sure it addresses public safety while protecting some degree of confidentiality.

5. If you are **not already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment**.**

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Andrew White	Taxi & Private Hire Licensing	19/10/2018
Date screening completed		19/10/2018

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions or a Significant Operational Decision.**

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent: 19/10/2018
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: 19/10/2018

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Report of Chief Officer, Elections and Regulatory

Report to Licensing Committee

Date: 6 November 2018

Subject: Department of Transport Task and Finish Group report on taxi and private hire vehicle licensing

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- 1 This report updates Licensing Committee on the report produced by the Department of Transport Task and Finish Group.
- 2 The group heard evidence from a wide range of stakeholders in order to make a series of recommendations for maintaining and improving public safety, working environment, and a competitive, dynamic market.
- 3 The report makes 68 wide ranging and long term recommendations, for both central government, and for licensing authorities.

Recommendations

1. That members note the information in this report.
2. That members support the proposed review and alignment of the council's ongoing policy review with these recommendations.

1 Purpose of this report

- 1.1 To inform committee members of the report produced by the Department of Transport Task and Finish Group.
- 1.2 The Task and Finish Group make 34 wide ranging and long term recommendations in their report.

2 Background information

- 2.1 In 2017, the Department for Transport established a Task and Finish Group, with a remit to
- consider evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified. Specifically:
 - identify the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
 - consider, in particular, the adequacy of measures in the licensing system to address those issues;
 - consider whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
 - make specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.
- 2.2 The membership of the group reflects a range of people involved in the trade, in regulation, and representing interested bodies and groups, and is listed on p 14 of the report in **Appendix 1**.
- 2.3 Leeds City Council invited the chair of the group, Prof Mohammed Abdel-Haq, to visit Leeds to see the current challenges and licensing and enforcement responses of local authorities. The chair invited the Taxi and Private Hire Licensing Manager to give evidence to the group in January 2018.

3 Main issues

- 3.1 The group's report is attached at **Appendix 1**. The report makes 34 recommendations, summarised on pp7-12.
- 3.2 The report makes the following recommendations for central government.

No.	Recommendation
1	Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.
2	Government should legislate for national minimum standards for taxi and PHV licensing -for drivers, vehicles and operators. The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England. Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

No.	Recommendation
3	<p>Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.</p> <p>Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.</p>
5	<p>As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.</p> <p>Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.</p> <p>Government should convene a panel of regulatory experts to explore and draft the definition.</p>
6	Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. through greater traceability).
7	Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.
8	Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.
10	Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences.
11	<p>Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.</p> <p>Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.</p>
13	Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of

No.	Recommendation
	pedicabs in London.
14	The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.
16	The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.
17	In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards. To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.
18	As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.
19	National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only. All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.
21	Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.
22	The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.
23	All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database

No.	Recommendation
	checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database.
24	As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.
27	Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).
29	All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.
30	Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.
34	Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.

3.3 The report makes the following recommendations for regional government.

No.	Recommendation
4	In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm. Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

3.4 The report makes the following recommendations for local government.

No.	Recommendation
7	Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

No.	Recommendation
9	All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.
12	Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.
17	In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards. To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.
18	As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.
20	All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards. All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.
21	Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.
23	All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database.
25	Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

No.	Recommendation
26	All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.
28	Licensing authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations .
29	All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.
30	Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.
31	Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.
32	Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.
33	The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

3.5 The report makes the following recommendations for taxi and private hire providers.

No.	Recommendation
15	All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.
19	National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only. All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 In the longer term, consultation and engagement on national best practice and legislative changes will take place with the public, trade, staff, passengers and representative groups.
- 4.1.2 For the recommendations requiring local authorities to review arrangements, listed in section 3.4, Leeds City Council will review against current practice, and include in the forward plan of policy reviews.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies recommended for approval at Licensing Committee which are used to inform decision making.

4.3 Council policies and City Priorities

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

Best Council Plan 2018/19 – 20/21

Towards being an Efficient and 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 The importance of air quality as an issue is also reflected in the Council's vision under our Best Council Plan. Our vision is for Leeds to be a healthy city in which to live, work and visit and we are working with partners to reduce emissions which will bring about health and wellbeing benefits including reducing premature deaths, improving health, promoting physical activity and reducing obesity levels. We are raising general health and environmental standards across the city through the promotion of walking and cycling. The Leeds Public Transport Improvement Programme is working to make improvements to the bus and rail networks which will enable reductions in congestion and greater modal shift, supporting a reduction in emissions.
- 4.3.3 The Council's Taxi & Private Hire Licensing policies contribute to the following priorities: -
- Reduce crime levels and their impact across Leeds;
 - Effectively tackle and reduce anti-social behaviour in communities; and
 - Safeguarding children and vulnerable adults:
- 4.3.4 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 As this is an information report, there are no resource or value for money issues to consider. There will be resource implications of putting a number of the recommendations into practice, if they result in operating costs being increased and fees reduced or waived for some types of vehicles, and the burden passed on to other vehicle types. There will also be resource implications if the driver training specification includes additional driver training requirements.
- 4.4.2 It should be noted that 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. This means that any additional costs associated with the proposals will be funded via license fees and will not place additional pressure on the council's budget.

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

- 4.6.1 The report recommendations are aimed at reducing the risk of passengers posed by current or future licenced drivers.

5 Conclusions

- 5.1 The council has made good progress in improving the safety of the travelling public in Leeds. However, we will only make further improvements if we work more closely with neighbouring authorities, and in line with national best practice.
- 5.2 This report raises a long list of recommendations which, if implemented will change national legislation and national minimum standards. The recommendations also state ways in which local authorities should consider changing their own licensing and enforcement approach.

6 Recommendations

- 6.1 That members note the information in this report.
- 6.2 That members support the proposed review and alignment of the council's ongoing policy review with these recommendations.

7 Background documents

None

Appendices

Appendix 1 Department for Transport Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system

Taxi and Private Hire Vehicle Licensing

Steps towards a safer and more robust system

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Acknowledgement

In preparing this study and throughout the work of the Task and Finish Group the expertise, endeavour and understanding of its members has been exceptional.

Whilst preparing and writing this report I have been supported throughout this process by the officials at the Department for Transport; without exaggeration I conclude that none of what has been achieved would have been possible without the support of these officials who personify all that is admired about the British Civil Service.

I would like to wholeheartedly thank all those who have shared with the Group their valuable knowledge and experience in the trade and its regulation, and their views on the way forward.



Professor Mohammed Abdel-Haq

Chairman, the Task and Finish Group on Taxi and Private Hire Vehicle Licensing

Foreword

This report is about public wellbeing. Its genesis and mission were framed by the vision of the then Minister of State at the Department of Transport, the Rt. Hon. John Hayes CBE MP. In commissioning me to lead this vital work, he made clear that in his view the current regulatory regime for the taxi and private hire vehicle (PHV) sector is no longer fit for purpose.

In scoping the work together we were determined, above all, to chart a future which ensured public safety for all, a working environment for those in the trade which guaranteed fair working conditions and whilst maintaining a competitive, dynamic market, preserve the character, integrity and aesthetics of this time-honoured trade.

It is clear that the status quo whereby taxi and PHV licensing is inconsistent, ineffective and incompatible with the protection of vulnerable people must not be allowed to continue. Alongside other incidents of criminality, the events in Rotherham, Rochdale, Oxford and elsewhere have brought the fundamental flaws in the licensing regime into the sharpest possible focus; these oblige uncompromising determination to make taxis and PHVs safe for all.

Our efforts should also be informed by the Prime Minister's determination that the economy must work for all, and that those who, despite their hard work and skill, are 'just about managing' to provide for their families, must not become victims of the 'sweated economy' by those who accept little or no regard to the notion of social responsibility.

I have drawn on the insight of those who know best, and worked with a first-class group of colleagues. It is their sharp minds, commitment, professionalism and cool heads that have enabled the critical thinking and discussions that underpin my recommendations. Members of the Group have strongly held, sometimes polar opposite opinions and, while this means that it has not always been possible to reach a consensus, I am of no doubt that all have the best interests of passengers and the trade foremost in their thoughts. I am grateful to them all.

I learned from the collective wisdom of the Group that there is no single solution to the challenges facing the taxi and PHV sector. So, each aspect of this study and the consequent recommendation is dependent on others. The report aims to produce a holistic ecosystem and solution to the problems it was devised to address and, as a result, to set out a comprehensive platform for the changes necessary to protect and promote the public interests in the common good.

I would like to make it clear that it is in the public interest to allow, indeed encourage, competitive markets. The arrival of new businesses and new modes of business are the healthy expressions of a market economy. So, provided that public safety and employee working conditions are assured and that appropriate emphasis is placed on congestion, air quality and similar concerns, market change can be welcome.

Licensing conditions should be demanding, arguably to a greater degree than at present, but should not, in effect, prohibit market entry for new businesses.

As my task is now complete, the onus falls to the Secretary of State for Transport Chris Grayling, MP and his Ministers, in particular Nusrat Ghani, and Parliamentarians to take the ideas of the report further and to begin to craft the legislation that it will, in some instances, require. In other instances, I trust that Parliament and the Department will lead the cultural change which is necessary to ensure that passengers, workers, operators, and neighbouring authorities are treated fairly. I look forward to the Government's prompt response to this report in order to maintain the momentum for improvement. Undue delay would risk public safety.

Professor Mohammed Abdel-Haq

Chairman, the Task and Finish Group on Taxi and Private Hire Vehicle Licensing.

1. List of Recommendations

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

Recommendation 4

In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. through greater traceability).

Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (**recommendation 24**).

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations**.

Recommendation 29

All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.

2. Group membership and task

Introduction

- 1 The Task and Finish Group was brought together between July and August 2017 by the then Minister of State for Transport the Rt Hon John Hayes CBE MP, and met for the first time in September 2017.
- 2 The Group's objectives were confirmed in the Terms of Reference agreed by its members. The Group was tasked with:
 - Considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified. Specifically:
 - Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
 - Considering, in particular, the adequacy of measures in the licensing system to address those issues;
 - Considering whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
 - Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.

Chairman of the Task and Finish Group

Mohammed Abdel-Haq is a professor in Banking and a Director of the Centre for Islamic Finance at the University of Bolton. Prof Abdel-Haq has a wealth of practical experience in a long career in banking in major financial institutions including Citi Bank, Deutsche Bank, and HSBC. He is the CEO of Oakstone Merchant Bank, Director of the Centre for Opposition Studies at the University of Bolton.

Professor Abdel-Haq was a member of the Council of the Royal Institute for International Affairs (Chatham House) from 2011-2014. In 2011 Prof Abdel-Haq was appointed Chairman of the UK Ministerial Advisory Group on Extremism in Universities and FE Colleges. He was Vice President of The Disability Partnership. Several of his articles on various issues related to public life have been published. Prof Abdel-Haq is a Freeman of the City of Oxford, a member of Amnesty International, a Fellow of the Royal Society of Arts. Prof Abdel-Haq was a Prospective Parliamentary Candidate for Swansea West in the 2005 General Election.

- 3 Membership of the Task and Finish Group:
 - Helen Chapman - Director of Licensing, Regulation & Charging, Transport for London
 - Rt Hon Frank Field MP - Member of Parliament for Birkenhead
 - Saskia Garner - Policy Officer, Personal Safety, the Suzy Lamplugh Trust
 - Ellie Greenwood - Senior Adviser (Regulation), Local Government Association
 - Dr Michael Grenfell - Executive Director, Enforcement, Competition and Markets Authority
 - Anne Main MP - Member of Parliament for St Albans
 - Steve McNamara - General Secretary, Licensed Taxi Drivers' Association
 - Mick Rix - National Officer for Transport and Distribution, GMB union
 - Donna Short - Director, National Private Hire and Taxi Association
 - Steve Wright MBE - Chairman, Licensed Private Hire Car Association
- 4 To ensure that the Group heard views from a wide cross-section of the sector, it sought written evidence from a range of stakeholders, and further invited a selection of organisations to give oral evidence to the Group. The Group received submissions from 39 organisations and heard evidence from 11.
- 5 Secretariat functions for the Group were provided by officials in the Department for Transport.
- 6 Group members were each able to submit a short summary of their views of this report if they wished to do so; those summaries are attached at Annex A.

3. Market function and regulation

Current regulation

- 3.1 The UK Government is responsible for setting the regulatory structure within which local licensing authorities in England license the taxi and PHV trade. Regulation of taxi drivers in Scotland, Wales and Northern Ireland is devolved to the Scottish Government, Welsh Government and Northern Irish Assembly respectively. This report is focussed on the sector in England only.
- 3.2 Taxi and PHV licensing in England is decentralised; there are 293 licensing authorities. The national legislation is enabling in its nature, giving licensing authorities the discretion to set standards for drivers, vehicles and PHV operators that they deem to be appropriate. There are significant variations in both policy and practice between licensing authorities.

A changing industry

- 3.3 The Task and Finish Group heard from many stakeholders about the age of the legislation that underpins taxi and PHV licensing, and how it is no longer fit for the modern world. Taxi licensing in England outside Greater London rests on the Town Police Clauses Act of 1847, which of course pre-dates the motor car. PHV licensing outside Greater London rests on the Local Government (Miscellaneous Provisions) Act 1976; significantly less old, but still pre-dating the mobile phone and the internet, both of which are increasingly important means of booking taxis and PHVs. Greater London PHV legislation is newer still, passed in 1998, but this still pre-dates near universal mobile phone use, and smartphone apps.¹
- 3.4 Legislation has been out of date for many years now, but it seems that the rise of smartphone booking apps, in particular, has thrown the need for an urgent update on legislation into sharp focus. PHV legislation was written for a world where radio signals were unlikely to reach outside the licensing authority area, and people had to go to a local minicab office, or telephone it using a landline, to book a car. The new way of using apps to book PHVs has an ease (as well as safety features and usually value for money) that has proved very popular with passengers, but the law was not written with such technology in mind and so it can be hard to apply to what is happening in reality.
- 3.5 The effectiveness of the highly localised taxi and PHV licensing system has become unsustainable in the face of new internet and smartphone app-based technology and the public's widespread adoption of those methods of arranging taxi and PHV trips. Government, both central and local, should acknowledge such changes and manage

¹ For simplicity, this report does not describe the separate legislation that licenses PHVs in Plymouth, the Plymouth City Council Act 1975. For the level of detail in this report, it is sufficient to say that its provisions are broadly the same as those in the Local Government (Miscellaneous Provisions) Act 1976.

them to ensure that alongside the benefits being achieved, any negatives are minimised for passengers, the trade and wider communities.

- 3.6 We should also recognise that the changes in how the sector works are being driven by public demand. It is unacceptable to require the public to restrict its reasonable demands to support an outdated framework. It is the market and regulation that must adapt while maintaining high standards.
- 3.7 This report makes a number of specific recommendations about what Government and licensing authorities should do with their taxi and PHV powers, but there is an urgent overarching need to update legislation to reflect much better the reality of the way the trade is operating today. The Government implicitly acknowledged as much by asking the Law Commission to review the legislation in 2011, and it is deeply regrettable that the Government has not yet responded to the report and draft bill which the Commission subsequently published in 2014. Had the Government acted sooner the concerns that led to the formation of this Group may have been avoided.

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

- 3.8 Regardless of technological change, the Government should legislate for national minimum standards for the licensing of drivers, vehicles and operators. These minimum standards should be set at a high but still proportionate level that would in practice reduce the need (actual or perceived) for individual authorities to add their own further checks or conditions - **'minimum' should not be understood or treated as meaning 'minimal'**.
- 3.9 The current level of discretion given to local licensing authorities has resulted in very significant and unacceptable variations in standards. Failures by some authorities to uphold high standards for the assessment of drivers, for example, have contributed to the involvement of the taxi and PHV trade in well-documented sexual abuse and exploitation of hundreds of children.
- 3.10 Significant variation in standards and the application of these in the licensing of drivers provides an opportunity for individuals to 'forum shop' for licences. Although factors such as service levels and total licensing cost (i.e. inclusive of fees and training requirements) may provide the motivation for most individuals that seek to obtain a licence from an authority other than that in which they intend to predominantly work, this also enables individuals who would not be deemed 'fit and proper' by one authority to potentially obtain a licence elsewhere. The Government has a responsibility to set a national framework that enables safe and effective licensing, and local authorities have a wider responsibility towards all people both within and beyond their boundaries. Better information sharing amongst authorities is also essential, and this is discussed further in Chapter Four.
- 3.11 The Law Commission recommended that all PHV standards should be set at a national level without the ability for licensing authorities to add additional local conditions, but that taxi standards should be 'minimum standards' which could be supplemented locally. This, in the Commission's view, reflected the more localised

nature of taxi markets, particularly the ability to be hired immediately on the street and the requirement for local knowledge that this brings.

- 3.12 However, other recommendations made in this report would restore the link between licensing authorities and PHVs operating in their area and so national minimum standards are more appropriate in this framework. Taxis and PHVs serve a range of very different localities across England, and local licensing authorities should not be prevented from applying extra conditions to their drivers or vehicles where there is an evidenced need. An example of this might be vehicle conditions, to help address local air quality challenges.

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

- 3.13 In advance of national minimum standards, the Department for Transport's Best Practice Guidance should be updated; both this and the forthcoming Statutory Guidance should be more directive, to make clearer the requirements and standards that the Government considers are necessary.
- 3.14 All licensing authorities should adopt the Department's recommendations, which should be viewed as the pre-cursors to national minimum standards. Early adoption of these recommendations will therefore assist in the transition for the industry. It will also assist joint working by licensing authorities and in particular support stronger cross-border enforcement activity. The Task and Finish Group heard about current and developing best practice in areas such as Merseyside, West Yorkshire and Greater Manchester. Common standards are the keystone of effective enforcement within regions, giving enforcement officers one set of rules to check drivers and vehicles against, regardless of which authority issued the licences.
- 3.15 There are few barriers that prevent the licensing of operators and drivers in multiple areas, but this is not true for the licensing of vehicles, as requirements in different areas may be contradictory. These variations can include colour; livery; vehicle age restriction both at first licensing and maximum age; whether tinted windows are permissible; seat configuration; engine size (or if electric vehicles can be licensed); and visible signage/ID conditions. It is in the interest of licensing authorities (ease of enforcement), passengers (increased availability) and the trade (increased flexibility to meet demand) for multiple licensing to be possible.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations after very careful consideration and in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

- 3.16 In the long term, greater consistency in licensing that will result from national minimum standards raises the question of the appropriate 'level' of taxi and PHV licensing - that is, which administrative level should undertake this function.
- 3.17 The licensing regime should be rationalised. People are increasingly mobile and the licensing regime should reflect the way in which the public use taxi and PHV services. There may be significant benefits to raising the administrative level of taxi/PHV licensing in some areas, whether as part of wider reform or as a distinct proposal.
- 3.18 An example of the benefits that may accrue from raising the licensing level can be seen in the way the system operates in Greater London in comparison to other large urban areas. Transport for London licenses 108,709 vehicles and 142,199 drivers. By way of contrast, Greater Manchester has 10 authorities licensing a total of 13,392 vehicles and 18,085 drivers².
- 3.19 Without Transport for London, London's 33 local authority districts would be able to set its own policies, requirements, taxi fare rates etc. In addition, each of these would have to replicate the associated administration, likely resulting in increased licensing costs which may ultimately increase passenger fares. Importantly, this would also result in immense enforcement problems in the absence of agreements between the districts to enable their enforcement officers to take action against each other's licensees.
- 3.20 The variance in the costs of obtaining licences (fees and to meet requirements) in different licensing areas within one conurbation can be considerable, by matters of hundreds of pounds. The example of licensing in Greater Manchester was highlighted in the Urban Transport Group's report 'Issues and options for city region taxi and private hire vehicle policy'³ (see fig. 1). The time and cost it takes to obtain a licence can also vary greatly and influence licensing behaviour, exacerbating the number of 'out-of-area' drivers. It is unsurprising that a driver, who is indeed fit and proper by any measure, may still choose to license in a neighbouring authority even if the costs are higher if they will get their licence in a few months rather than two years, and therefore start earning much sooner.
- 3.21 It has not been possible within the timeframe of the Task and Finish Group to make a recommendation as to precisely which authorities (and how many) should be

² Data as of 31 March 2017 - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

³ http://www.urbantransportgroup.org/system/files/general-docs/UTG%20Taxis%20Report_FINALforweb.pdf

responsible for taxi/PHV licensing across the country. However, direct electoral accountability must be maintained to ensure that the needs of all residents in any expanded licensing areas are considered.

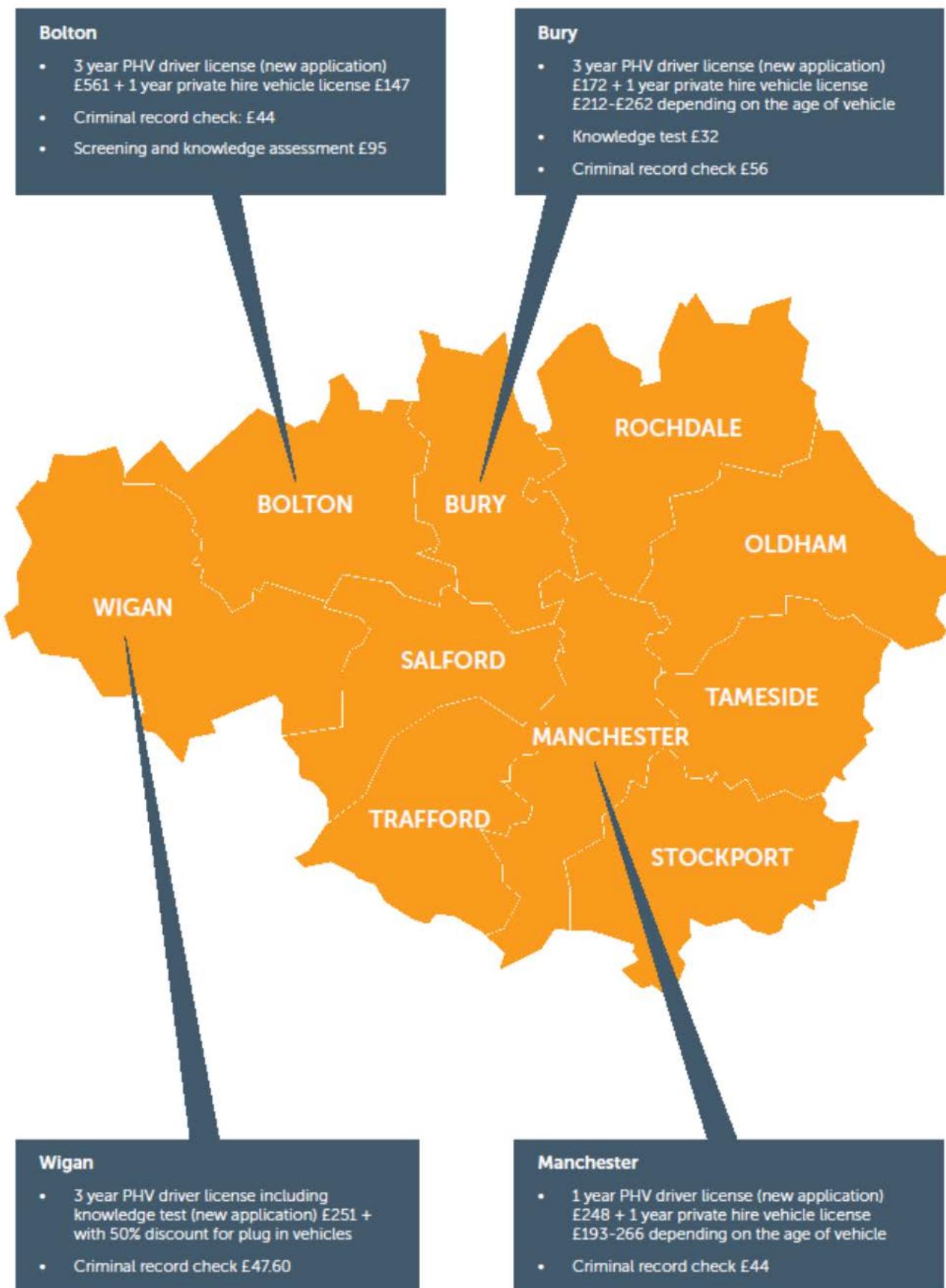
- 3.22 There seems a clear case that large urban areas, particularly those with Metro Mayors, should each be covered by one taxi and PHV licensing authority. Outside those areas, Government should strongly encourage much greater collaboration and joint working between neighbouring authorities, and subsequently review over time whether formal consolidation of more licensing areas is needed.
- 3.23 Where taxi licensing is concerned, larger licensing authorities areas could still retain more localised requirements of taxi regulation, such as quantity restrictions, fare setting, local knowledge testing at the same granular level as now (if deemed beneficial) through the use of taxi zones as are already used in a number of licensing authority areas.

Recommendation 4

In the short term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years

Figure 1 - Licensing in Greater Manchester ⁴



⁴ <http://www.urbantransportgroup.org/resources/types/reports/taxi-issues-and-options-city-region-taxi-and-private-hire-vehicle-policy>

The two tier system

- 3.24 Only taxis are available for immediate hire, be it hailed in the street or at a designated rank. Nevertheless, the potentially very short gap between booking a PHV via an app and getting in the vehicle, may appear similar to members of the public to getting a taxi. Indeed the speed and convenience of using an app might be an easier and more attractive option in some circumstances than hailing a taxi.
- 3.25 This increased ease and speed of PHV hiring has significantly eroded the differentiation in service and the potential additional earnings that taxis' ability to ply for hire can provide. The regulation of the sector has not adapted to reflect this erosion. The Task and Finish Group unanimously agreed that there is still merit in the two-tier taxi and PHV system. For example, the setting of maximum fare tariffs for taxis provides an important element of passenger protection, as people are not able to research fares with alternative providers when hiring immediately. This can protect both visitors to an area, who may have no notion of the distance of their journey and what this might reasonably cost, and also local residents who are protected from the charging of excessively high fares when demand is high. At the same time, the unregulated fares of PHVs enable price competition to the benefit of many consumers.
- 3.26 The Group received many submissions which requested that a statutory definition of 'plying for hire' and 'pre-booked' should be introduced to make clearer the different services that taxis and PHVs can provide.
- 3.27 The Law Commission deliberated whether 'plying for hire' should be defined as part of its work, and ultimately recommended that different terms should be defined. In my view, if we are to be supportive of the two-tier system, it is inevitable that we must be able to effectively distinguish those two tiers. Defining 'plying for hire' is essential to that.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

- 3.28 Taxi 'radio circuits' or taxi smart phone apps undertake a similar function as PHV operators but are not subjected to a 'fit and proper test' as they do not require a licence. PHV operators are under an obligation to ensure that the drivers and vehicles used are licensed by the same authority and that vehicles are insured and in a suitable condition.
- 3.29 A freedom of information request found that in the 12-month period running from 08 January 2016 to 07 January 2017, 1,290 Transport for London licensed taxis were reported for not having a second MOT test, six months from the date the taxi licence

was granted. However, it is unknown whether any of these vehicles were used for 'taxi radio circuit' work. Transport for London's data for the period April to December 2017 indicated that 27.1% of PHVs and 35.8% of taxis stopped were non-compliant⁵. In both cases, the total number non-compliant vehicles may be higher as these vehicles were identified as a result of 'on-street' enforcement.

- 3.30 It is true, of course, that unlike PHVs where there must be an operator to take a booking for the transaction to be legal, taxis are able to ply for hire. The booking recording function of a PHV operator evidences that a journey has been pre-booked and is essential in ensuring compliance and preventing a PHV from working illegally as a taxi. However, data from Transport for London's Black cabs and Minicabs Customer Satisfaction Survey (Q3 2016/17) evidence that a decreasing proportion of taxi journeys are engaged by hailing or at a rank, down from 83% in 2013 to 66% in 2016. This trend suggests that it is now appropriate for these intermediaries to be regulated in the same way as PHV operators are.

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. through greater traceability).

- 3.31 Central Government and local regulators must acknowledge that new technology has fundamentally changed the market and act if the two-tier system is to remain viable. The competition between taxis and PHVs has increased, but taxis are often subject to additional regulation and, where purpose built vehicles are required, significantly higher costs than their PHV counterparts. If the benefits of a two tier system (e.g. there is a higher proportion of wheelchair accessible vehicles (WAVs) in the taxi fleet) are to be maintained, regulators should consider ways to support the taxi trade. The way to do this is not by 'punishing' the PHV trade, but by reducing the additional cost burden that WAV owners face.
- 3.32 Central Government has already recognised the different costs the two sectors can face; the maximum Plug-in-Taxi Grant (for the purchase of wheelchair accessible zero-emission capable (ZEC) purpose-built taxis) is £7,500, compared to the £4,500 maximum Plug-in-Car Grant available for other vehicles; this kind of approach should be explored further. Government and licensing authorities should explore additional financial assistance that could be provided to off-set the additional costs of WAV and/or ZEC vehicles.
- 3.33 There are various mechanisms that could encourage more rapid adoption of ZEC vehicles in areas where air quality is or may become an issue; Transport for London's delicensing scheme, for example, provides a payment of up to £5,000 to delicense older (10+ years old) vehicles. All new taxis licensed by Transport for London must now be ZEC.
- 3.34 Taxis, particularly in London, are perceived by the public as reliable "work horses" on the roads for long hours every day. This perception could be at the forefront of changing opinions and attitudes towards electric vehicles, in general, and specifically

⁵ <https://tfl.gov.uk/cdn/static/cms/documents/phv-licensing-compliance-and-enforcement-january-2018.pdf>

as viable options for commercial and small goods vehicles. The wider benefits of supporting drivers to get such vehicles on the roads could be considerable.

- 3.35 Funding could be allocated to subsidise a tiered taxi and PHV licensing structure that exempts or reduces fees for zero emission capable vehicles and/or those which are wheelchair accessible. This would assist those who make the additional investment to use wheelchair and/or accessible vehicles such as the 'black cab' and reflect the additional benefits these would provide the public.

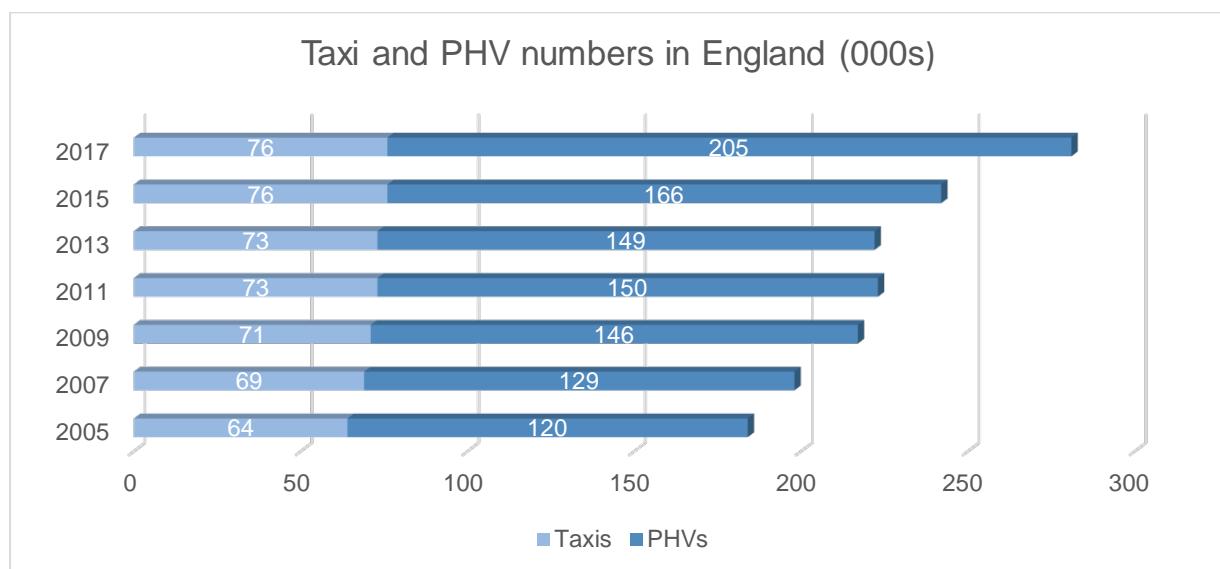
Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

A growing industry

- 3.36 The sector has seen rapid growth in recent years. The total number of licensed taxis and PHVs in England reached record levels in 2017, increasing by 26% since 2011 to 281,000⁶. This growth has not been uniform across the two tiers, but was driven by the 37% increase in PHVs over the period, compared to the 3% increase in taxis. In 2017, 73% of all licensed vehicles in England were PHVs; in 2011 this proportion was 67%.
- 3.37 The increase in licensing numbers is also inconsistent across England; to give just some examples, the number of PHVs licensed by Transport for London increased by 39% between 2011 and 2017 to 87,400; in the same period, the number of PHVs licensed by Wolverhampton City Council increased by 434% to 2,949; but decreased by 37% in Tandridge District Council to just 46.

Figure 2 - Taxis and PHVs in England (DfT survey 2017)⁷



⁶ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642761/taxi-private-hire-vehicles-2017.zip

- 3.38 Currently, licensing authorities outside Greater London have the ability to restrict the number of taxis they license. As of 31 March 2017, 90 English authorities do, to balance the supply and demand of services. Legislation does not currently allow PHV licences to be restricted in such a way, and the Group received a number of submissions arguing in favour of changing this.
- 3.39 Granting licensing authorities the power to cap the number of PHVs could give them an extra tool to help reduce levels of congestion in areas where high numbers of PHVs operate and thereby address in part air quality issues. To use the power for those purposes would require a public interest approach, not merely the "unmet demand" test currently applied to allow the limiting of taxi numbers.
- 3.40 There are potential drawbacks to licence restriction, including administrative burden, restriction of competition and restriction of work opportunities for drivers. Carrying out a clear, well evidenced and considered public interest test before a numbers restriction can be applied would enable an authority to weigh up those factors and make a balanced decision.
- 3.41 This matter was considered as part of the Law Commission's review, albeit in the case of taxis rather than PHVs, but their consideration of what a public interest test should include could equally apply to both segments of the trade. Any test should include matters such as:
- the interests of taxi and PHV users, particularly those of disabled people
 - the interests of licensees
 - the need to avoid traffic congestion, and
 - the need to preserve the environment
 - and for taxis, the need to avoid excessive queues at ranks

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Cross-border and out-of-area working

Background

3.42 Although taxis and PHVs are locally licensed, the passenger journeys they can carry out are not restricted solely to their licensed area.

Cross-border / out of area working: a simplified summary

- **Taxis** can only ply for hire (to be flagged down or hired from a rank) in their licensed area, but can generally undertake pre-booked work anywhere.
- A **PHV** driver, vehicle and operator must all be licensed in the same area for a journey to be carried out legally - but the journey itself does not need to be in that licensed area: e.g. a London-licensed vehicle and driver can be booked through a London-licensed operator to carry out a passenger journey that takes place entirely in St Albans.
- A **PHV** booking can also be sub-contracted: e.g. a St Albans-licensed operator could take a booking, and arrange for another operator to carry it out: this could be another St Albans-licensed operator, or an operator licensed by any other authority, who would need to fulfil the booking using a driver and vehicle licensed by the same authority as they are.

3.43 The ability for a PHV journey to take place anywhere, so long as the driver, vehicle and operator are all licensed by the same authority, comes from the original licensing legislation (the 1998 Act for London, and the 1976 Act elsewhere). It was always possible for a PHV operator to sub-contract a booking to an operator licensed in the same area. Greater London operators have always been able to sub-contract bookings to operators in other areas, and that ability was extended to PHV operators outside Greater London by Section 11 of the Deregulation Act 2015.

3.44 Although all PHV operators have always been able to accept bookings regardless of the start and end point of a journey, in practice the advertising of their services and the ability of operators to maintain contact with drivers reduced the likelihood of booking requests from distant locations being received.

The issue

3.45 New technology has changed the landscape. The members of the public who use apps for booking PHVs carry with them the ability to request a vehicle anywhere. It is not necessary for the subcontracting process to be undertaken to facilitate the dispatching of an out of area driver to fulfil a booking. An operator could currently, if it chose to, operate nationally on a single licence. It is unlikely that this is what was intended when the legislation was drawn up, and it underlines that it is no longer fit for purpose.

3.46 Not all 'cross-border' work is a concern: many journeys will naturally start within one licensing authority and end in another, and the framework should allow this. In areas near to the boundaries of licensing authorities, and particularly in city and urban locations with multiple authorities, there will be high levels of cross-border working. Operators will sometimes fulfil bookings out of their licensing area to reduce dead

mileage, or meet vehicle type requirements (e.g. wheelchair accessible vehicles) when none are available locally. A passenger may have confidence in the safety and quality of a service that a particular operator provides and would prefer to use that favoured operator regardless of the start and/or end points of their journey. This is perhaps more likely in the executive and chauffeur segment of the PHV market.

- 3.47 However, the Group have heard from many sources about the increasing numbers of drivers who now work entirely at (sometimes considerable) distance from the authority that licensed them. The Group saw no evidence of precise numbers but anecdotal evidence is that it is widespread, particularly of drivers licensed by Transport for London but living in cities far away making it highly unlikely that they would travel to London before working. Figure 3 show a map of the home addresses of Transport for London licensed drivers by postcode.
- 3.48 It is difficult for licensing authorities to be effective in monitoring the activities of drivers who are working in this way. The enforcement officers of one authority cannot undertake enforcement action against taxis or PHVs licensed by other authorities. An authority could send its enforcement officers to carry out checks in known 'hot-spots' for its drivers, but while this seems reasonable for an adjoining licensing area, it seems an inefficient solution when the distances involved can be so great. In conjunction with the earlier recommendation on national minimum standards, all licensing authorities should have the powers to take enforcement action against those standards regardless of where a specific driver or vehicle is licensed. So, for example, a Bristol City Council licensing enforcement officer should be able to stop and question any taxi or PHV driving in Bristol regardless of which authority issued the licence. The Group heard evidence that taxis and PHVs can carry passengers across different boundaries and nobody can monitor their compliance or question them. This is simply wrong.

Recommendation 9

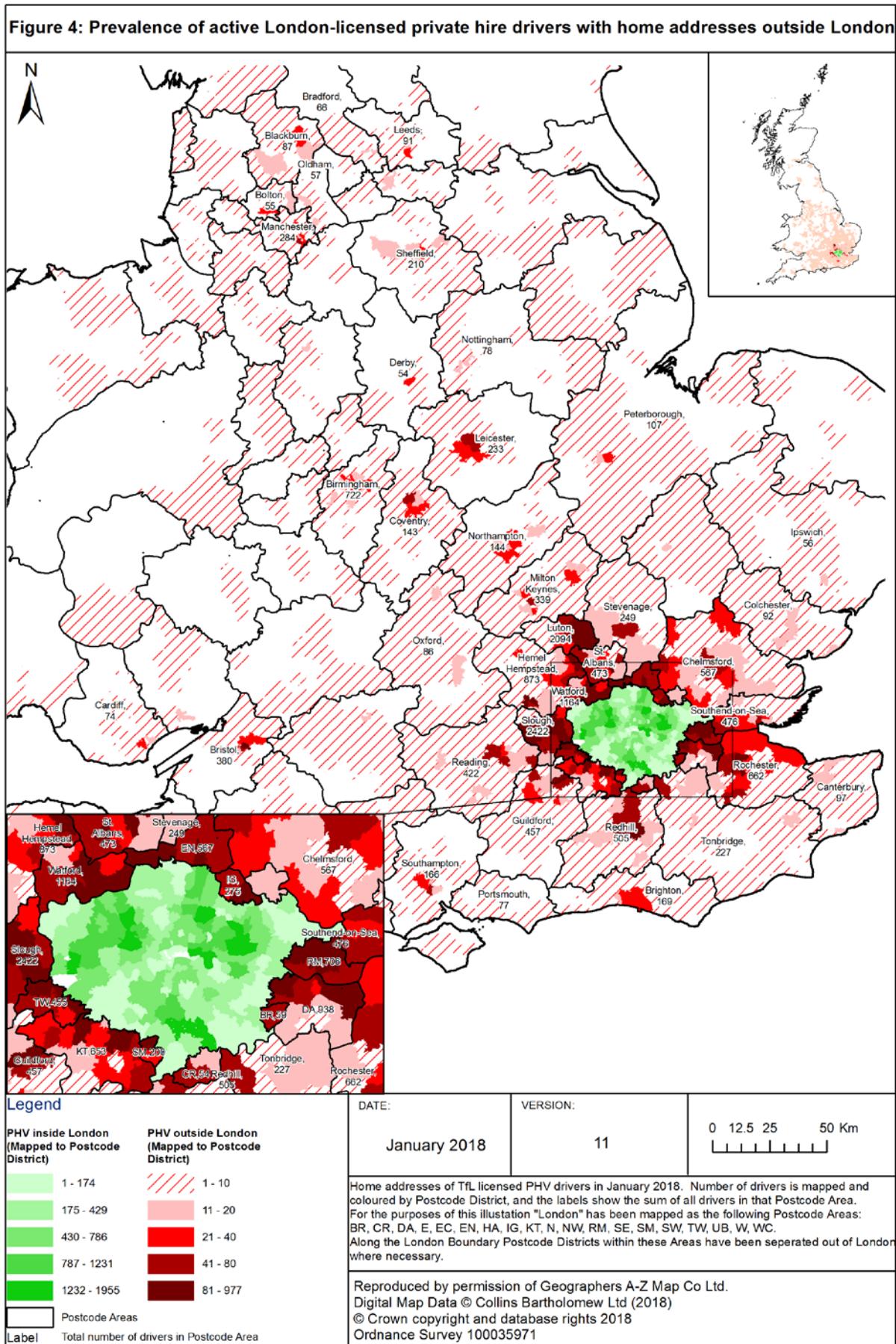
All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

- 3.49 This report has already recommended that licensing authorities should be able to restrict the number of taxi and PHV licences they issue. However, without a method to prevent vehicles licensed in other areas from working within the "capped" area, any restriction could be easily circumvented by someone licensing elsewhere and simply working remotely within the "capped" area.

Figure 3 - Home postcodes of active Transport for London licensed PHV drivers, January 2018



- 3.50 A number of submissions to the Group supported a proposed restriction that taxi and PHV journeys should only be permitted where the start and/or end point are within the licensing area of the driver, vehicle and (for PHVs) operator. This was primarily proposed to address concerns over the drivers operating predominantly or exclusively outside of the area in which they are licensed.
- 3.51 That proposal is the most effective on the table. There would be a need to carefully consider any flexibilities that may be needed to allow for specific destinations to continue to be served without disruption (e.g. airports), business models to continue (e.g. in the chauffeur / executive hire sector), or specific services for the disabled to not be disrupted.
- 3.52 All those matters would need careful further work, to reduce the risk of causing damage legitimate business models and passenger choice. The potential negative aspects of the proposed restriction would be greatest in inner-city areas which have many boundaries. Without the reduction of licensing authorities proposed in recommendation 4, and the resulting larger areas, all parties would be detrimentally affected. With small geographic areas and more borders, passengers in these areas may no longer be able to use their favoured PHV operator even if these were the closest but simply as a consequence of being the wrong-side one of the many boundaries.
- 3.53 Rationalising the number of licensing areas in these locations would have benefits in its own right, but would also significantly reduce the negative impacts of a start/end point restriction.

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHVs and taxis – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross-border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Licensing fee income

- 3.54 Taxi and PHV licensing fees must be set on a cost recovery basis. They should reflect the true costs of the regime, and should not be used by licensing authorities to make profit or be subsidised by the council tax payer. Licensing authorities should ensure that the administration, compliance and enforcement of taxi and PHV licensing is sufficiently funded to enable an efficient process.
- 3.55 Resourcing functions based on revenue received approaches the issue the wrong way around. Licensing authorities should of course aim to deliver value for money by working efficiently, but that is not the same as at the lowest possible cost. Licensing authorities should first establish what resources are required to adequately administer and enforce the regime and set the licensing fees based on this. For example, the Group received evidence of how the funding of a police intelligence liaison officer can significantly improve cooperation and the flow of information. The resourcing of initiatives such as this may be beneficial but prove prohibitive for some

of the smaller licensing authorities, the restructuring proposed in recommendation 4 would result in authorities operating at a scale which enable them to resource these activities but removing administrative duplication and spreading the costs across a wider pool of licensees.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Pedicab regulation in London

- 3.56 One result of having different taxi legislation applicable to London and the rest of England is that pedicabs (sometimes called rickshaws) cannot be regulated in the former. Case law has established that they are classed as "stage carriages" in the context of London taxi law, and therefore out of scope of taxi regulation. While there should be a place for a safe and responsible pedicab trade, particularly in Central London, there has been much justified criticism in recent years of rogue pedicab operators taking advantage of tourists with excessive charges and absence of safety checks.
- 3.57 It is not acceptable that Transport for London is unable to regulate pedicabs to ensure a safe service; the Government announced in 2016 that it would rectify this, and the legislation should be brought forward as soon as possible.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Fixed Penalty Notice for minor compliance infringements

- 3.58 The enforcement of minor licensing infringements can be excessively burdensome on licensing authorities and frustrates their efforts to raise standards within their area. There are important benefits to setting a culture where licensees know that they must adhere to the basics or else face sanctions, freeing up officials and enabling them to focus on more serious matters.
- 3.59 Transport for London has proposed that it should be enabled to issue Fixed Penalty Notices to PHV drivers as it already is to taxi drivers who have breached minor licensing requirements such as failing to wear their badge. Transport for London's view is that this immediate financial deterrent would expand the enforcement options available to them to increase compliance and reduce the need to resort to more expensive measures that ultimately increase licensing fees for the majority of drivers that are compliant. The Local Government Association's initial submission to the working Group also called on licensing authorities to have modern enforcement tools such as Fixed Penalty Notices and stop notices.

3.60 Transport for London has elected not to make use of the powers it currently has to issue Fixed Penalty Notices until it is able to apply the same to PHVs. As stated elsewhere in this report, the two tiers of the trade should as far as practicable be treated equitably. Elsewhere in this report the case has been made for greater consistency in regulation across England in part to underpin national enforcement powers of national standards. Therefore it would be appropriate for the powers to issue Fixed Penalty Notices to be available to all licensing authorities, for both taxis and PHVs.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Ridesharing

- 3.61 Ridesharing services in this context refers to the sharing of taxis or PHVs for hire by individuals that are unknown to each other prior to the beginning their trips. This form of service may provide members of the public with cheaper fares as costs are shared, and better utilise the capacity of vehicles, thereby reducing congestion and pollution. But there are potentially increased risks, too.
- 3.62 The limited time available to the Group has required that attention was focussed on key areas of urgent concern. While the issue of ridesharing has not been considered in depth, it should be clear to all that use these services that they consent to sharing a confined space with people that are unknown to them. Operator and drivers should be required to make this clear when booking and at the start of a journey.
- 3.63 Where a taxi or PHV is no longer used entirely for exclusive private hire, the arguments in favour of mandating CCTV are enhanced; the argument that CCTV may represent an invasion of privacy is reduced greatly if not entirely negated, as there can be no argument that the vehicle is a private space. The use of CCTV is discussed further in Chapter Three.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of the booking and commencement of the journey.

4. Safety in taxis and private hire vehicles

Public protection

- 4.1 One of the most important considerations of any regulatory system is safety. It is of paramount importance that passengers using taxis or PHVs can get into a vehicle knowing that their driver has been rigorously checked and deemed to be a suitable person to carry passengers. The enclosed nature of a taxi or PHV affords a potential opportunity to a person who wishes to take advantage of the vulnerable. It is important to recognise that in different circumstances, it may be either the passenger or the driver who is vulnerable.
- 4.2 The vast majority of licensed taxi and PHV drivers in the UK are decent and law-abiding people. Nevertheless, there have been recent and numerous cases of licensed drivers participating in, or enabling, child sexual exploitation as well as isolated opportunistic attacks on passengers. Following these horrendous offences, many licensing authorities have acted to address the failings that contributed to enabling these incidents. The lessons from the Casey and Jay reports and the impact on the lives of those affected by these and other failures must not be forgotten. To do otherwise would compound the harm and injustice done to the victims. No licensing authority should consider that the lessons learned do not apply to them merely because there have not been significant reports of such activity in their area: many of the previous offences in these cases have only become known many years after the event. Neither central government nor licensing authorities can provide absolute assurances of safety, but licensing authorities have the powers to mitigate the risks now. In the long term it is for central government to act to enable the mandating of standards to force any complacent authorities to act.
- 4.3 The Policing and Crime Act 2017 gave the Government the power to issue Statutory Guidance to local licensing authorities on the way taxi and PHV licensing powers should be used to protect children and vulnerable adults. That guidance should ultimately form the core of the national safety standards for both the taxi and PHV sector, and it should be issued as soon as possible.
- 4.4 Until national minimum standards for the taxi and PHV sector are introduced, the Statutory Guidance provides an opportunity to take a significant step towards in greater consistency in how the safety elements of the 'fit and proper' test are applied.

- 4.5 The application of high standards with regard to safety would provide increased public confidence in the sector and mitigate the potential for drivers to seek out areas where standards are applied less rigorously.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

- 4.6 Under the current highly devolved regulatory framework, local licensing authorities have a pivotal role in the effectiveness of guidance. Once the guidance has been issued, licensing authorities should play their part and give it due consideration. The Department for Transport should also monitor the overall effect of the guidance; the policies outlined will only be as successful as their implementation.
- 4.7 Until such time as the Government brings forward legislation to mandate national minimum standards, licensing authorities should work collectively to increase consistency. As the recommendations made in the Statutory and Best Practice Guidance are the Government's views, it is reasonable to assume that these would be considered as the basis for national minimum standards. As noted earlier in this report, licensing authorities would not be acting in the long-term best interests of the trade to divert far from the recommendations, as this may result in a period of significant change in standards and requirements at a later date.

CCTV

- 4.8 The Group received a number of submissions and heard from witnesses about the benefits of having CCTV in taxis and PHVs. There were numerous positive comments regarding the potential benefits that CCTV might provide to both passengers and drivers. The vast majority of taxi and PHV passengers receive a good and safe service but the few drivers that abuse their position of trust undermine public confidence in passenger safety. CCTV can reaffirm or increase passenger confidence.
- 4.9 CCTV would not just protect passengers. In England and Wales, approximately 53% of taxi and PHV drivers are non-white, a much higher than average percentage of the workforce. The Group heard from the United Private Hire Drivers that 50% of drivers it surveyed had been threatened or assaulted and that 57% had been racially abused while working.
- 4.10 Where both cameras and audio recording is used, those who verbally and physically abuse drivers would do so knowing that the attack would be recorded, providing invaluable evidence to enforcement agencies. There are also incidents of false allegations being made against drivers, and CCTV evidence can protect drivers from potentially losing their licence and their livelihood.

4.11 Only a small number of licensing authorities in England currently require CCTV in their licensed vehicles⁸; however, there is a strong case for having CCTV in taxis and PHVs, and licensing authorities which do not already mandate CCTV should do so. The concern most commonly raised is the costs of installing and maintaining CCTV systems. These do not however appear to be unreasonable for owners of licensed vehicles to bear given an assumed operational life of a system and the potential for reduced damage to the vehicle. The majority of taxis and PHV are owner driven - these could benefit from reduced abuse and assaults by passengers, reduced fare evasion and potentially increased passenger usage through greater confidence in the sector.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

- 4.12 It is however not just the driver and passenger that CCTV can benefit. Licensing authorities are better able to make an informed decision whether to take no action, suspend or revoke a licence following a complaint. This evidence can be used at court should the driver appeal a decision, and it may even prevent the driver guilty of misconduct from launching an appeal. Society as a whole benefits from increased protection from crime.
- 4.13 Yet mandating CCTV in vehicles will incur extra cost for many small businesses, the vast majority of drivers currently consider as such. Recognising the benefits to society, ways of helping with individual and small business costs should be seriously explored.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicle both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

- 4.14 Technology has advanced rapidly in recent years and what may once have been an expensive and difficult to achieve is now common place. GPS has provided an accurate and reliable way to track vehicles for many years now. These advances can further public safety (driver and passengers) by recording the movements of vehicles and provide valuable evidence in proving or disproving an allegation. As part of the

⁸ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017> (Table 0106)

work that will be required to set an appropriate minimum standard for CCTV systems in taxis and PHVs, the Government should also consider whether and how GPS tracking could also be included.

- 4.15 As discussed previously in this report, the public often view taxis and PHVs as providing identical services. Plying for hire by PHVs and unlicensed vehicles is illegal and should not be tolerated under any circumstances. However, when the public see a licensed PHV they may attempt to hire this immediately through confusion between the two-tiers of the system. Raising public awareness of the differences between taxis and PHVs protects all parties; passengers use the appropriately insured and licensed drivers and vehicles, taxi drivers receive the benefits of their exclusive right to 'ply for hire' in recognition of meeting the relevant requirements and law-abiding PHV drivers will not face confrontation from refusing to carry passengers that have not pre-booked.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Background checks and information sharing

- 4.16 To enable licensing authorities to make the best decisions on applications they receive, and to support greater consistency, they should have as complete as possible a picture of the applicant's background. It is welcomed that all licensing authorities require an enhanced Disclosure and Barring Service (DBS) check for all drivers⁹; however, only 77% report that they currently also check the barred list for both taxi and PHV drivers, and there is no reason why this should not be 100%. This can be carried out at no extra charge.

⁹ Department for Transport's 2017 Taxi and Private Hire statistics - <https://www.gov.uk/government/collections/taxi-statistics>

4.17 The DBS update service is an online subscription that allows individuals to keep their standard or enhanced DBS certificate up to date and allows employers and regulators to check a certificate online. This subscription service therefore allows taxi and PHV drivers licensing authorities (as a nominee with the individual's consent) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden and mitigates potential delays in relicensing. This will more cheaply and easily allow licensing authorities to undertake checks other than at first application or renewal. Drivers are licensed for three years and vehicles usually on year however vehicles are routinely checked every 6-12 months to ensure they continue to meet the standards required. Interim checks on the continued suitability of driver does not therefore seem disproportionate.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

- 4.18 There is a concern that critical information about the risk posed by a driver is not always being shared with licensing authorities by the police, under the Common Law Police Disclosure (CLPD) provisions. It is vital that licensing authorities have access to this 'soft intelligence'; patterns of behaviour such as complaints against drivers (regardless of whether they were working) even when these do not result in arrest or charge may be indicative of characteristics that raise doubts over the suitability to hold a licence. Provision of this helps authorities to build a fuller picture of the potential risks an individual may pose. This information may tip the 'balance of probabilities' assessment that licensing authorities must undertake.
- 4.19 The CLPD provisions enable new information obtained by the police to be rapidly passed on to licensing authorities, rather than information becoming known to them through a DBS check some time after an incident. However, a survey carried out by the Institute of Licensing of its local authority members in 2017 shows that less than 25% of respondents consider that the current data sharing agreements are satisfactory. This process can be of huge benefit to protecting the safety of

passengers and it is imperative that the maximum protection this provides is being delivered.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of behaviours as well as crimes by taxi and PHV drivers (and applicants) is disclosed to and to ensure licensing authorities are informed immediately of any relevant incidents.

- 4.20 The current efforts of the Local Government Association to create a register of drivers who have been refused or revoked taxi or PHV driver licences, in conjunction with the National Anti-Fraud Network (NAFN), are to be welcomed. It was disappointing to see that the Private Members Bill brought by Daniel Zeichner MP, which would have made use of such a register mandatory, failed to pass its Second Reading in the House of Commons on 2 February when the bill was "talked out".
- 4.21 Without that Bill, it is hoped that all licensing authorities will use the register as only complete coverage will make the most of the benefits. It is unacceptable that a driver could have a licence refused or revoked on safety grounds by one authority, but gain a licence in another authority by virtue of not disclosing that history. A DBS check may not provide the cause for a refusal or revocation by another authority; this would depend, for example, on whether the decision was based on previous convictions or on 'soft-intelligence' received. The register will enable past revocations or refusals to be flagged, and the authority considering an application to seek further information from the refusing authority.
- 4.22 Even with that information, decisions must still be made in accordance with the policies of the authority that is handling the application - a refusal in one area must be fully understood and should not be an automatic bar to a licence being issued elsewhere; for example, if one refusal has been made on the basis of a conviction, but sufficient time has now passed during which the applicant has demonstrated continued good character to comply with the authority's convictions policy. The system will provide an extra safeguard for the public, not a blacklist of drivers; licensing authorities will continue to make independent judgements whether, on the balance of probabilities, an individual is fit and proper. The purpose of this database is to assist licensing authorities in this assessment by enabling as fully a picture of an individual as possible to be considered.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All refusals and revocations must be recorded, and the register checked for all licence applications and renewals. Licensing authorities must retain the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (**recommendation 24**).

4.23 In addition, a broader national database of all taxi and PHV licences, for drivers vehicles and operators should be introduced. This would be a significant aid to cross-border enforcement, complementary to the national enforcement powers recommended. In the current absence of such powers, it would still improve the ability of authorities to be able to identify where driver and vehicles are licensed in order to report concerns or issues to the "home" licensing authority, or indeed the police.

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Training and engagement

- 4.24 It is important that drivers are equipped with the skills and knowledge they need to identify situations where vulnerable passengers may be at risk. Over half of licensing authorities currently require their drivers to undertake child sexual abuse and exploitation (CSAE) awareness training, and this is good practice that all licensing authorities should follow. It is not sufficient to wait for evidence of a 'problem' within a licensing area before doing this.
- 4.25 As part of that training, and their wider engagement with drivers, licensing authorities should remember that their network of checked and trained, professional drivers can be an important source of intelligence about signs of abuse and neglect amongst their passengers. Poorly checked and trained drivers may pose risks, but well trained and supported drivers can be an important part of the solution. An example of the positive contribution the trade can play is that of Cherwell District Council driver Satbir Arora, whose awareness prevented a 13-year-old girl from meeting a 24-year-old male who was convicted of attempted abduction and the distribution and making of indecent images.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Improving decision making

- 4.26 Implementing national standards, including those on the consideration of convictions, will be a huge step toward greater consistency in licensing decisions. There have been examples of individuals that have been issued licences despite convictions for serious offences. However all licensing decisions are ultimately made by individuals, not policy documents. It is essential therefore that those involved in the determination of licensing matters have received sufficient training to discharge their duties effectively and correctly. This training should cover licensing procedures, natural justice, understanding the risks of child sexual exploitation, consideration of 'soft intelligence', and disability and equality, in addition to any other issues deemed appropriate. Training should not simply relate to procedures, but should also cover the making of difficult and potentially controversial decisions.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must have to undertake appropriate training. The content of the training must form part of national minimum standards.

Use of Passenger Carrying Vehicle (PCV) licensed drivers

- 4.27 Driving a Public Service Vehicle (a vehicle that can carry 9 or more passengers e.g. a minibus or bus) for hire or reward requires a PCV licence. PCV driver licences are issued by the Driver and Vehicle Licensing Agency (on behalf of Traffic Commissioners). Unlike taxi or PHV drivers, applicants for a PCV licence are not subject to any routine DBS checks (neither basic nor enhanced).
- 4.28 Applicants for a licence to drive passenger minibuses and buses must complete an application form and declare any convictions for non-driving offences as well as those relating to driving hours, roadworthiness or loading of vehicles as well as any.
- 4.29 The declaration of any offences will result in the DVLA notifying the relevant Traffic Commissioner so the applicant's suitability to hold the licence, in relation to their conduct, may be reviewed. Traffic Commissioners may grant, refuse, suspend or revoke driving entitlement, taking into account passenger safety.
- 4.30 However, a number of areas have experienced issues whereby individuals whose taxi or PHV licence or application have been refused or revoked have applied to the Driver and Vehicle Licensing Agency and obtained a PCV licence, and these individuals have then carried passengers driving a minibus. In some cases, people who have had their licence revoked have even continued to work for the same operator.
- 4.31 This is an issue that has clear implications for passenger safety. Although it may technically be outside the scope of taxi and PHV licensing, there are evidently clear overlaps in practice. It is not acceptable that individuals that are deemed to be unfit to carry passengers in a vehicle that seats fewer than nine passengers are able to do under a different licensing system, simply because there are additional seats in a vehicle.

Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consider the appropriate licensing boundary between taxis/PHVs and public service vehicles (PSVs).

Language skills

4.32 It is important that drivers are able to converse effectively, and particularly so in emergency situations. Drivers should be able to:

- Converse with passengers to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests;
- Provide a customer with correct change from a note or notes of higher value than the given fare, and doing so with relative simplicity;
- Provide a legibly written receipt upon request.

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations.**

5. Accessibility

The importance of the taxi and PHV market

- 5.1 As an introduction to this chapter, from the following quote from the evidence received from the Disabled Persons' Transport Advisory Committee (DPTAC) sets the scene appropriately:

'For those who cannot use public transport, either due to the nature of their conditions or because they live in areas with a poor public transport service, taxis can be the key element allowing them to live independently.'

Submission from DPTAC, November 2017

- 5.2 Evidence received by the Group highlighted that consideration of accessibility needs is essential in any reform of the sector. If the Government enacts national standards, accessibility considerations should be an integral part of their development, not a mere add-on. In the short term, it is important that licensing authorities use the powers they already have to improve access and passenger experience.

Training

- 5.3 The 2017 taxi and private hire statistics show that only 38% of licensing authorities in England require their taxi drivers to undertake disability equality training, and 35% require it for their PHV drivers. This training should be a national requirement as part of national standards, but licensing authorities have the power to require it now and should do. It is important that drivers working in a sector that can be a lifeline for those unable to use public transport understand that position, and how they can best support their passengers.

Recommendation 29

All licensing authorities should use their existing powers to require that their taxi and PHV drivers undergo disability equality and awareness and equality training. This should ultimately be mandated as part of national minimum standards.

Vehicle types and access

- 5.4 As can be seen in figures 4 and 5, the proportion of vehicles licensed by different authorities that are wheelchair accessible varies considerably. The 2017 statistics show that 63% of authorities require their taxi fleets to be a wheelchair accessible vehicle (WAV). These figures show that in England (excluding London) 41% of taxis are WAVs but this is only part of the story; in over a quarter of authorities, 5% or fewer of taxis are accessible. The situation is even worse for PHVs - nearly two-thirds of authorities have a fleet in which 5% or fewer of PHVs are wheelchair accessible.
- 5.5 Standard (non-WAV) vehicles remain important too: most disabled people do not use wheelchairs, and many people will find saloons easier to get in and out of. Mixed fleets are important, reflecting the diverse needs of passengers, but nonetheless, levels of WAV PHVs in particular (given the significant increase in PHVs in recent years) appears low in even the most populous areas. I have outlined one way in which licensing authorities can seek to increase availability in paragraph 3.35.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

- 5.6 It is welcome that in 2017, the Government brought sections 165 and 167 of the Equality Act 2010 into force, ensuring that drivers of wheelchair vehicles that a licensing authority designates for this purpose cannot charge wheelchair users more than non-wheelchair users, and must provide appropriate assistance.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

- 5.7 It is illegal for a taxi or PHV driver to refuse to carry an assistance dog, unless the driver has obtained a medical exemption certificate from their licensing authority. Despite this, a recent campaign by the Guide Dogs for the Blind Association indicates that nearly half of guide dog owners surveyed had experienced an access refusal in the past year. This is unacceptable, and licensing authorities should ensure that strong action is taken when instances are reported. Driver awareness is also

critical, and the earlier recommendation in favour of mandatory disability equality training would address this.

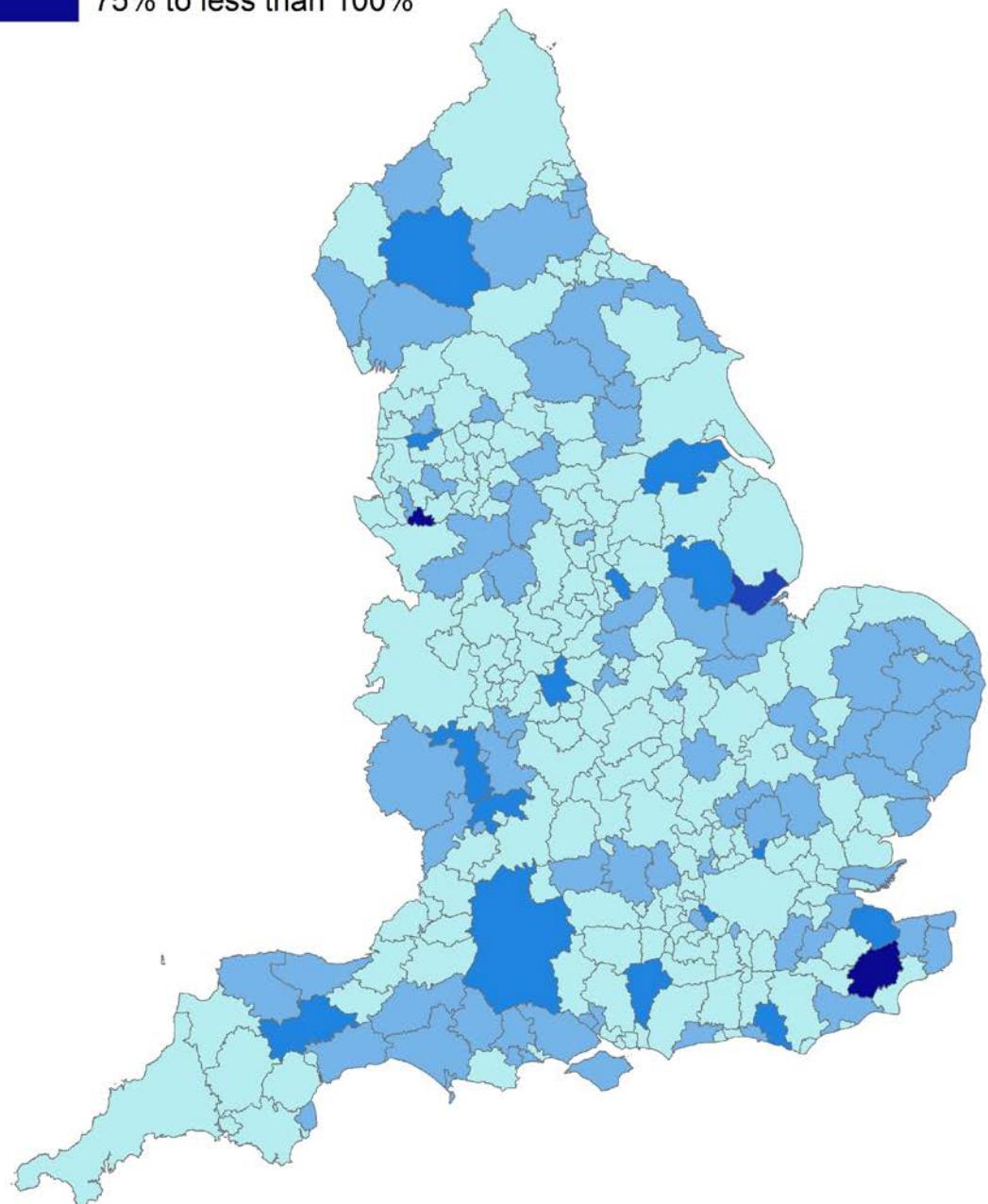
Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible for passengers to report disability access refusals.

Figure 4 - Wheelchair accessible PHVs in England¹⁰

Percentage of accessible PHVs

- 0% to less than 5%
- 5% to less than 25%
- 25% to less than 50%
- 50% to less than 75%
- 75% to less than 100%

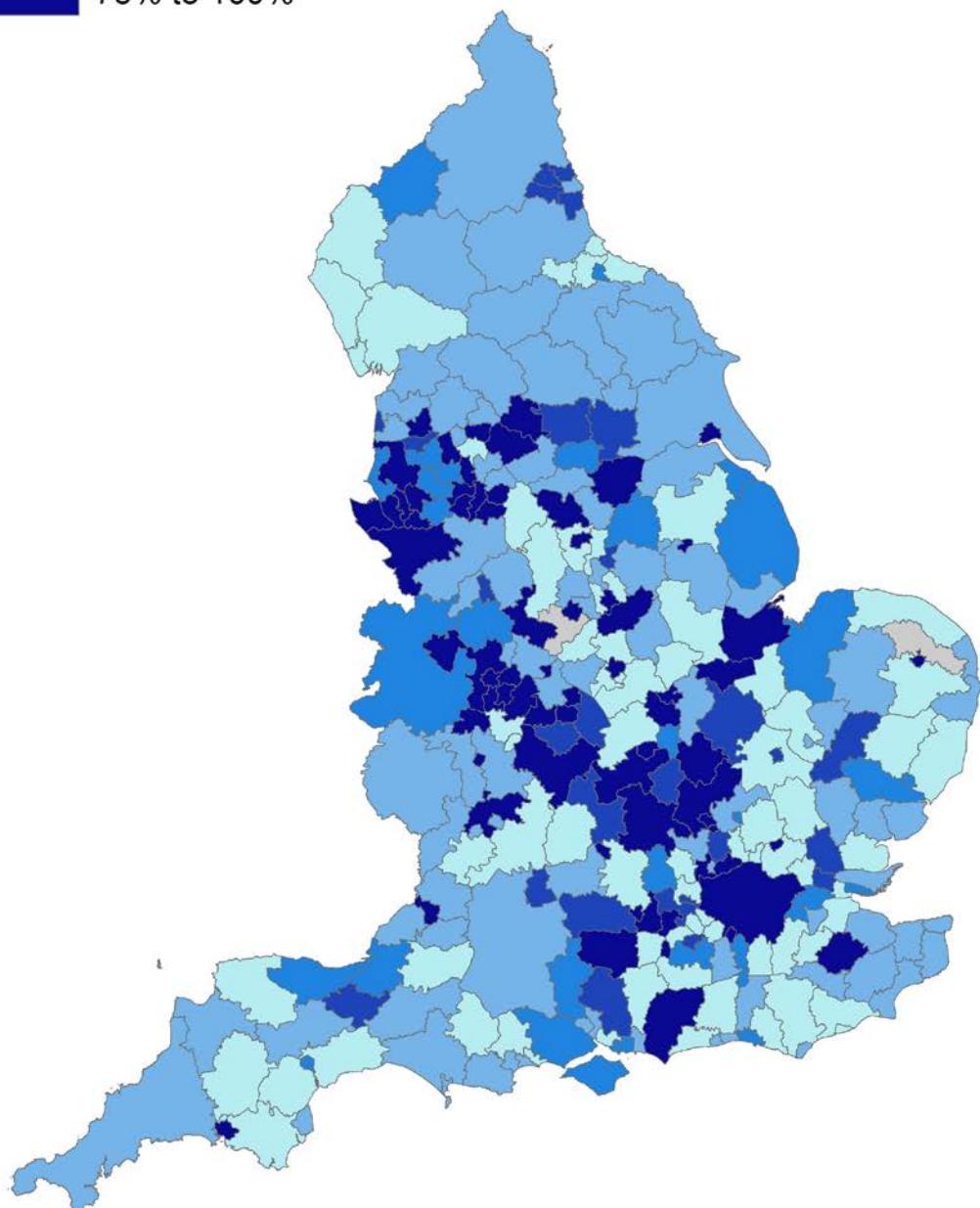


¹⁰ Information provided by licensing authorities - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

Figure 5 - Wheelchair accessible taxis in England¹¹

Percentage of accessible taxis

- 0% to less than 5%
- 5% to less than 25%
- 25% to less than 50%
- 50% to less than 75%
- 75% to 100%



¹¹ Information provided by licensing authorities - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

6. Working conditions

Characteristics of employment in the sector

- 6.1 Traditionally a large proportion of taxi and PHV drivers have been self-employed. In the PHV sector, the 'traditional' working model is largely based on drivers paying a fee to the operator to gain a place on its list of drivers. Although this does not guarantee an income, drivers are able to decide whether to renew this relationship at the end of the period, or in the interim should they not receive what they consider sufficient fares.
- 6.2 This absence of guaranteed income is now being repeated in the 'gig economy' PHV model, the difference being that the fee(s) paid to the operator is usually taken as a percentage of each fare. The 'gig economy' was defined as 'the exchange of labour for money between individuals or companies via digital platforms that actively facilitate matching between providers and customers, on a short-term and payment by task basis' in the Department for Business, Energy and Industrial Strategy's [2018] research paper¹².
- 6.3 However, even in the 'gig economy' PHV model, the relationship between the PHV operator and driver has changed very little from the 'traditional' model. Drivers still require an operator to act as the intermediary between them and the passenger. This means that PHV operators have control over the fare levels and the number of journeys a driver may receive.
- 6.4 The introduction of new technology in the private hire market has enabled new ways for the PHV operator to bring together drivers and passengers. This experience is not unique to this sector nor is the use of such technology unique to new entrants. There are many long-established companies that now use apps both in the PHV and taxi markets. At the same time I am aware that there are a number of ongoing legal disputes regarding the legal status of individuals that work in the PHV trade. While the reporting of these cases has focused on those involving app-based PHV operators the relationship between driver and operator appears similar in both the established and disruptive operator business models
- 6.5 On 7 February the Government's 'Good Work'¹³ document, which was published in response to the 2017 'Good Work – The Taylor Review of Modern Working Practices'¹⁴, acknowledged Taylor's seven point plan was important to achieve the overarching ambition that all work in the UK should be decent and fair. The second of the points is focused on seeking clarity in the gig economy. It acknowledges that platform-based working offers opportunities for genuine two-way flexibility, and that these should be protected. However, it also recognises the importance of ensuring fairness both for those who work in this way and those who compete with them. It

¹² <https://www.gov.uk/government/publications/gig-economy-research>

¹³ <https://www.gov.uk/government/news/governments-response-to-the-taylor-review-of-modern-working-practices>

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627671/good-work-taylor-review-modern-working-practices-rg.pdf

proposes that 'worker' status should be maintained but it should make it easier for individuals and businesses to distinguish 'workers' from those who are legitimately self-employed.

- 6.6 While it was not in the remit or expertise of the Group to decide the employment status of drivers, it did hear about and consider working practices in the sector. In particular, concerns were raised about the balance of risk and reward for PHV drivers and the effects this has on their welfare and, potentially for public safety.

Working practices and earnings

- 6.7 The Group heard concerns that drivers, of both taxis and PHVs, are working longer hours to maintain existing incomes due to the increasing numbers of drivers. Of particular concern was the suggestion that drivers may be working excessively long periods without adequate breaks and the possible consequences of this for public safety.
- 6.8 All operators must meet their statutory obligations to drivers. Where drivers are 'workers' or employees, operators must ensure that none takes home less than they are entitled under National Living Wage legislation. Operators however should have a duty of care to support their drivers regardless of their employment status. Such an approach would obviously benefit drivers but it is also in operator's interests to support good working environments. It can support the retention of good drivers and lead to benefits for passengers; a driver who is content with their relationship with the operator may provide a better service and lead to repeat custom.

The role of PHV licensing authorities

- 6.9 It is outside the expertise and scope of a local licensing authority to determine the employment status of drivers working with its licensed PHV operators. However, licensing authorities do have a responsibility to ensure that operators are 'fit and proper'. If a licensing authority has evidence of an operator persistently flouting employment law (for example, making no changes in response to an employment tribunal that is not being appealed, or can be appealed no further), that should legitimately be seen as casting doubt on whether that operator is "fit and proper", and would be worthy of thorough consideration.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV operator.

Working/driving hours and safety

- 6.10 As already noted, the Group heard the view from some stakeholders that erosion in drivers' earnings has resulting in drivers working for increased, and potentially excessive, hours to maintain their income. It is self-evident that, at some threshold,

tiredness and long hours of driving in any vehicle poses a risk to public safety through reduced alertness and response times. The Group did not see independent evidence of how many hours drivers are working however it heard from industry experts that the taxi and PHV industry is one which has historically lent itself to long working hours generally.

- 6.11 At present, taxi and PHV drivers are not subject to the Road Transport (Working Time) Regulations 2005¹⁵. Drivers can therefore choose the hours they work, and there are no rules that limit the number of hours they can work in a day or week.
- 6.12 That appears potentially problematic. A minibus driver has limits on how long they can work and when they must take rest breaks. There is no logical reason why a taxi or PHV driver (possibly the same person as the minibus driver) should be permitted to carry paying passengers in a car for an unlimited length of time. A taxi/PHV driver still needs to be aware of the road and environment around them and be able to respond in a timely way to changes.
- 6.13 However, there are many questions of detail which it has not been possible to consider in full for this report. The European Union rules on drivers' hours and working time are complex, as the scenarios detailed in the Department's guidance¹⁶ illustrates. The appropriateness of these rules for the taxi and PHV sector is also open to debate; for example, limiting the number of driven hours may seem more appropriate than including times when a person is available and waiting for work. By its nature, the periods when taxis and PHVs are "available to answer calls to start work" (referred to as 'period of availability' in the guidance) would contribute to working hours but could not be considered as a rest period for the purposes of calculating driving hours according to the current rules.
- 6.14 The biggest challenge is how any limit(s) would be monitored and enforced; monitoring may require a tachograph system such as that used in buses and HGVs to be fitted to all taxis and PHVs. This may record the working/driving hours but consideration would need to be given to whether licensing authorities would monitor compliance or whether this would be done by the Traffic Commissioners (as for buses and HGVs). Despite these issues, this report favours driving time restrictions in principle if evidence indicates this is required on safety grounds and if a workable and proportionate way of doing so can be found. I think that Government should look at these issues in much greater detail than we reasonably can be done here.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry driver.

- 6.15 In the meantime, it is worthwhile noting again that local licensing authorities have a key role to play in maintaining safety. Drivers have a responsibility to themselves, their passengers and the public to ensure they are fit to drive, and this requires drivers to be open and honest with licensing authorities (as well as the DVLA) on any health issues that may mean they should not be driving. Where concerns about the operation of taxis and PHVs are brought to the attention of licensing authorities they could – and should – take immediate action against drivers and operators if there is

¹⁵ <http://www.legislation.gov.uk/uksi/2005/639/contents/made>

¹⁶ <https://www.gov.uk/government/publications/eu-rules-on-drivers-hours-and-working-time>

any evidence of unsafe activity. A fit and proper operator should neither encourage nor condone excessive working or driving hours.

Annex A- Comments by Group Members

Helen Chapman

Director of Licensing, Regulation & Charging, Transport for London

Transport for London (TfL) is the largest taxi and private hire licensing authority in England with almost a quarter of a million taxi and private hire licensees. In London, like many parts of the rest of the UK and globally, we have seen significant change in the taxi and private hire sector in recent years which we anticipate will continue to change in line with consumer needs.

Regulation is required to ensure the safety of passengers engaging with taxi and private hire services but it is right that this regulation is reviewed and modernised to reflect the modern world and the changing needs of passengers.

On behalf of the Mayor of London and TfL I am grateful for the opportunity to have formed part of the Department for Transport Working Group. It has been a worthwhile and rewarding experience to work as part of a group looking at regulatory practices to meet the needs of a changing world while remaining focussed on passenger safety and convenience. I would like to thank the Chair for his efforts in navigating a course through the often strongly held views of the Group and invited guests to produce a report of real substance with the safety of passengers at its heart.

We agree wholeheartedly with many of the recommendations put forward by the report which, if adopted, will deliver fundamental improvements in public safety and improvements in delivering a world class two tier taxi and private hire service. Many of these recommendations for primary legislative change have previously been raised by the Mayor and TfL and, indeed, many London based taxi and private hire stakeholders and we are delighted to have these views shared by the Chair of the Working Group.

Proposals within the report, in particular a solution to address the common practice referred to as cross border hiring, national minimum standards, national enforcement capabilities and statutory definitions to define the two tier system will produce a model of licensing and regulation that helps to enhance passenger safety and is not only fit for today but is also future-proofed and flexible to meet the changing demands of passengers.

We remain ready to support Government in implementing these recommendations, particularly those that require national legislation. As the largest licensing authority we can provide expert support and guidance to any panels that are formed to take forward these sensible recommendations.

We would like to comment on a number of recommendations from a TfL perspective:

Recommendation 2 – we strongly support the introduction of national minimum standards and that these minimum standards should be set at a high level for safety.

We would like to thank the Chair for the common sense approach in recommending that licensing authorities can go further than the minimum, where required, to meet local needs. This is particular important in London to retain the ability to set standards to meet air quality challenges and to continue to deliver the Knowledge of London for taxi drivers.

Recommendation 5 – The two tier system has worked well in London for many years and London's taxis are frequently voted the best in the world. Recommending a statutory definition for plying for hire and pre-booked services is sensible and long overdue. We would like to formally register our interest in joining the panel of regulatory experts to help draft appropriate definitions.

Recommendation 8 – we welcome the Chairs recommendation to allow local licensing authorities to set a cap on the number of taxi and private hire vehicles. The growing number of private hire vehicles in the capital is causing significant challenges in tackling congestion, air quality and appropriate parking controls. However, we note and strongly agree that there should be a proven need to set a cap by having a public interest test so monopolies cannot be formed. Once again, we remain ready to assist Government in defining an appropriate public interest test.

Recommendation 11 – cross border hiring has been commonplace in the industry for many years but with the introduction of app based services in the industry and the expansion in the number of private hire drivers and vehicles, it requires an urgent solution so as not to undermine public safety and confidence in using private hire services. TfL explored this issue in detail and in February 2018 we published a detailed policy paper with proposals to address this issue. The paper was presented to the Working Group and we are delighted to see this is being taken forward as one of the key recommendations for change.

Recommendations 25 and 29 we are fully supportive of these two proposals, however, we believe that an assessment is the more appropriate "minimum standard". As a licensing authority our role is to assess the fitness of an applicant rather than to train them to be fit. However, for some authorities they may wish to provide this training above and beyond the minimum standard and this flexibility could be accommodated.

Recommendation 30 - All taxis in London are Wheelchair Accessible and we recognise the need to enhance the provision for Wheelchair Accessible Vehicles in the private hire fleet. However, this recommendation, as written, will be difficult to achieve as vehicles are licensed separately to private hire operators and therefore it isn't easy to introduce a minimum quota of wheelchair accessible vehicles.

We look forward to working with the Government to see these recommendations brought forward and ensure a modern, sustainable and two-tier taxi and private hire system for the future.

Rt Hon Frank Field MP

Member of Parliament for Birkenhead

Mohammed Abdel-Haq has written a superb report. It follows a thorough, comprehensive evidence-gathering process conducted by the Working Group under his chairmanship.

The House of Commons debate, in which the Minister announced the creation of the Working Group, centred on the pay, working conditions and living standards of taxi and private hire drivers.

This report addresses each of those important points. In doing so, it puts forward sound recommendations to restore the integrity of the National Living Wage – the cornerstone of the Government’s labour market policy – while ensuring adequate rates of pay and decent working conditions for drivers are put at the heart of what it means to be a ‘fit and proper’ operator.

The implementation of those recommendations, alongside many others in this report, will perform the crucial role of constructing minimum standards upon which the taxi and private hire industry can continue to thrive and innovate.

Saskia Garner

Policy Officer, Personal Safety, the Suzy Lamplugh Trust

Suzy Lamplugh Trust would like to commend the Chair on the completion of this final report and express our thanks for being included in the Task and Finish Group. We are delighted that most of the recommendations from our research report, Steering Towards Safety in Taxi and Private Hire Licensing, have been included in the report. We fully endorse the content of the report, with the exception of the comments below, which should not defer from our recognition of what has been achieved.

We have no position on **Recommendation 4** which recommends combining licensing areas. This is because we think the problems of inconsistency between neighbouring licensing authority policies would be resolved with the introduction of national minimum standards.

We would like to emphasise, in relation to **Recommendation 8**, the importance of the public interest test to determine whether a cap on numbers will increase or reduce personal safety. Our concern would be a situation where a cap resulted in demand out-weighing supply, which may put passengers at risk if they are unable to hire a licensed vehicle for their journey.

We do not support **Recommendation 11** as we do not believe there is a personal safety reason for limiting the start and end-point of a journey. We believe that the current practice of drivers choosing which licensing authority to obtain their licence from based on less stringent safety checks would be resolved by the introduction of national minimum standards.

In point 3.8 of the report we would request that the word 'proportionate' be defined, to ensure that the high standards set are in no way compromised by this stipulation.

In addition to what has been included in the report, Suzy Lamplugh Trust would like to recommend the addition of the following recommendations:

Inclusion of taxi and PHV drivers as a regulated activity

This would enable the offences under the Safeguarding Vulnerable Groups Act 2006, relating to a barred individual working or seeking to work in regulated activity, to apply.

No deregulation of licensing

Suzy Lamplugh Trust is also concerned about the proposed deregulation of licensing requirements for PHV drivers as set out in the 2016 Tourism Action Plan. This would effectively allow individuals to have access to members of the public including vulnerable adults and children in a private vehicle, without any prior safety checks. There should therefore be no de-regulation of existing laws that protect personal safety within taxi and PHV licensing.

Prohibition of taxis or PHVs for use by non-taxi/PHV licensed drivers

The prohibition of PHVs and taxis for personal use by non-PHV or taxi-licensed drivers must be introduced in London. This is to prevent drivers who do not hold a PHV or taxi licence, and who therefore have not been subject to safety checks, from picking up passengers who may assume they do hold a PHV or taxi licence as they are driving a licensed vehicle. While we are aware that PHVs should always be pre-booked, research carried out by the Suzy Lamplugh Trust in September 2017 showed that one in five people (21%) think that minicabs can be hailed on the street, and a quarter of people (26%) believe minicabs can take passengers who approach

them while parked. In addition, our research showed that over half (57%) have taken a taxi or minicab without asking to see the driver's ID badge first.

Ellie Greenwood

Senior Adviser (Regulation), Local Government Association

As the organisation representing licensing authorities, the Local Government Association (LGA) is pleased to be have been part of this working group. The LGA is supportive of the vast majority of recommendations in this document, many of which we have been actively calling for over several years, and the objectives underpinning them. Encouragingly, it has been clear throughout the process of the working group how much consensus there is on key issues including updating the legislation, a strengthened and consistent approach to safeguarding standards and the need to address out of area working.

The LGA has worked closely with its members in recent years to support them to strengthen taxi and PHV licensing; producing guidance, running training events and, most recently, commissioning the development of the national register of licence refusals and revocations. The focus of all this work has been to ensure authorities are doing all that they can to safeguard people using taxis and PHVs.

In doing this, we have also consistently urged Government to take the much needed step of modernising outdated taxi and PHV legislation.

It is to be hoped that the report of an independent Chairman marks a turning point on this, and that Government now moves swiftly to take it forward and introduce new legislation. The report recognises that the taxi and PHV market has changed beyond recognition since the existing framework was introduced. As we said in our original submission to the working group, this has too often left councils and Transport for London on the front line of competing, costly legal challenges as to whether new business models fit within an obsolete framework. It is ultimately Government's responsibility to ensure we have a regulatory framework that is fit for purpose and protects people, and it must now do so.

The LGA and its members recognise and accept that as markets change and develop, so too regulation and regulators themselves must adapt. But we believe that local authorities must continue to be central to the licensing process and are pleased that the report recognises the importance of retaining local flexibility in taxi / PHV licensing, in terms of the ability to set local conditions (alongside national minimum standards) and the proposal for a power to set local caps.

There is a strong case to be made for greater collaboration across licensing authorities: on local policies, standards and enforcement of taxi and PHV licensing. The LGA urges all of its members to move forward on this cooperatively and quickly.

In some places, there may be also be a good case for reviewing licensing authority borders. But licensing authorities need to reflect local areas, economies and taxi / PHV markets, and will therefore look different in different places, as they do currently. Any process of revising licensing authority boundaries needs to be led from the bottom up, based on functional economic geography, and should in the first instance be encouraged as a voluntary approach.

It should also be linked to the fact that, beyond the licensing function, the map of local government is evolving. Combined authorities, metro mayors and proposed reorganisation in two tier areas may impact the way in which licensing authorities are structured and operate. These developments should provide the foundation for any changes to the map of licensing authorities, to help maintain the local democratic accountability that the report highlights, while also ensuring that licensing authorities do not become remote from the communities that they serve and seek to safeguard.

It is positive that the report envisages a voluntary approach on this issue, and recognises that Government can help to encourage this – for example, through funding for licensing authorities to develop new models and legislation enabling authorities to form shared licensing areas.

A particular issue for many local areas and licensing authorities has been the growth in out of area working over recent years. The LGA believes that drivers should operate predominantly in the areas where they are licensed, and welcomes the recognition of this issue in the report. We are also pleased that the report recognises the concerns that the LGA and its members have raised about the very limited oversight of drivers of PCVs. It is vital that this safeguarding issue is addressed quickly, building on the work the LGA is doing to develop the national register of refusals and revocations.

Finally, we would caution that while undoubtedly desirable, there may be practical and financial barriers to local licensing authorities introducing some of the report's recommendations, such as mandating minimum numbers of wheelchair accessible vehicles, or (in particular) mitigating additional costs faced by the trade (on zero emission or wheelchair accessible vehicles, or CCTV). However, we look forward to working with Government to explore the options available in these areas.

Dr Michael Grenfell

Executive Director, Enforcement, Competition and Markets Authority

The Competition and Markets Authority has a statutory duty to promote competition for the benefit of consumers. This draws on the insight that, generally, consumers benefit from choice and also from the effect of competitive pressures on suppliers of services and goods, giving those suppliers an incentive to provide their services and goods to a high standard of quality, at a competitive price and with a desire to innovate; where there is effective competition, that is the only way that suppliers can win and retain business.

Applying this to the taxi and private hire vehicle (PHV) sector, competition provides operators with the incentive to give passengers value for money, by way of higher service standards, affordable fares and innovativeness in service provision.

The CMA recognises the need for robust regulation to protect passengers where market competition cannot wholly do this – for example, as regards safety standards. But we consider that such regulation should be proportionate and should be no more onerous than is necessary, with the concern that excessive or unnecessary regulation can create barriers to competition and new market entry, which would be counterproductive for the interests of passengers, depriving them of the benefits of competition (described above) as regards quality standards, price and innovation.

The benefit of price competition – affordability of taxi and cab fares for millions of ordinary people, and particularly the less affluent – should not be regarded as merely a ‘nice-to-have’ add-on. It is extremely important, including for some of the most vulnerable citizens in our society. It is also relevant to safety considerations; if people are unable to afford a taxi or cab fare (for example, after an evening out), they might well choose ways of transport that are considerably less safe – such as unlicensed vehicles, or themselves driving under the influence of alcohol – endangering themselves and others.

Having regard to these considerations, representing the CMA I have sought to engage with the serious work of the Group in what I hope has been in a constructive and cooperative spirit. As the Chairman says in his Foreword, there have been ‘strongly held and sometimes polar opposite opinions’ among members of the Group, and this is surely almost inevitable given the diverse range of interests and perspectives represented on the Group. It has been the Chairman’s task to draw useful insights from the range of expertise in the Group and produce a series of practical recommendations – designed to improve the sector and be workable – even if there is not complete consensus or unanimity about these.

My view is that the Chairman has been very successful in this.

I am happy to endorse the vast majority of the recommendations.

The only significant qualifications that I would wish to put on record are:

- As regards **Recommendation 8**, I am concerned that a numerical cap on the number of providers of taxi/PHV services risks having the effect of artificially and unnecessarily constraining competition, to the detriment of passengers – depriving them of the best prospect of high service standards, value for money and innovation in service provision.

I welcome the report’s recognition, in paragraph 3.40, of the risks of this and the consequent need to carry out ‘*a clear, well-evidenced and considered public interest test before a number of restrictions can be applied*’.

Nevertheless, I am not convinced that the case for any kind of cap or numbers has been adequately made out.

In any event, I would urge that, even if there were to be such a cap, the factors taken into account in a public interest test should at least include, in addition to those listed in paragraph 3.41:

'the effects on competition, including on service standards and affordability of fares, bearing in mind that the absence of affordable fares can induce people to travel by less safe modes of transport'.

- As regards **Recommendation 11**, I am concerned that limiting taxi and PHV operations to the area of pick-up or destination where the provider is licensed narrows the choice available to passengers and weakens competitive pressures, to the potential detriment of passengers (as described above).

Nevertheless, I fully recognise the concern that this recommendation is designed to address – namely, the risk of ‘forum shopping’ by providers, undermining regulatory safeguards applied by licensing authorities.

The report proposes some mitigating measures, specifically:

- Larger licensing areas (as proposed in Recommendation 4); I think that giving effect to this is a necessary precondition to Recommendation 11.
- The notion that operators should not be restricted from applying for and holding licences with multiple authorities, subject to meeting both national standards and any additional requirements imposed by the relevant licensing authority; in my view, this will be effective so long as the cost of multiple licensing is not so onerous as to represent a barrier to operators taking it up.

Finally, I should like to record that, in spite of the differences of opinion between members of the Group, it has been a huge privilege to work alongside such talented and well-informed individuals, who have brought their particular expertise and skills to bear on these difficult issues, and have consistently done so with a view to advancing the public interest, improving the sector and protecting the position of passengers and drivers.

I am in addition impressed by, and grateful for, the secretariat of officials from the Department for Transport who provided support and advice to the Group with admirable efficiency and professionalism.

As for our Chairman, Professor Mohammed Abdel-Haq, he had, as I have noted, the unenviable task of bringing together these disparate perspectives to form a coherent and workable set of recommendations; he is to be warmly commended on his achievement in doing so, and on conducting the Group’s meetings throughout in a spirit of courtesy and good humour. It has been an honour to be a member of his Group.

Anne Main MP

Member of Parliament for St Albans

It has been a pleasure to serve on the working group set up to advise and contribute to debate on the future of Taxi and Private Hire Vehicle licensing. The group has worked on this issue for a considerable period of time and there has been healthy debate throughout the process.

It is a considerable achievement that Professor Mohammed Abdel-Haq has been able to compile a report that has received backing from the many different viewpoints represented on the group.

Whilst I endorse almost all of the recommendations made in the report, I do want to share my concerns about three of the more contentious issues that we have not been able to find consensus on during our meetings;

Recommendation 8

I am concerned with the proposed power for local authorities to cap taxi and PHV vehicle licences. Whilst I appreciate that a public interest test will mitigate the potential issues with this proposal, I am still not convinced that it will benefit public safety or competition in the industry.

One of the issues that this seeks to address is ‘forum shopping’ by drivers who seek PHV licences from those authorities that are seen as easier, quicker and cheaper to get a licence from. The structure of the report suggests a significant strengthening of the licensing requirements across all local authority areas which I feel reduces any need for capping powers.

Combined with a more effective method of reducing drivers licensing in one area and working predominately in another, along with considerably higher licensing standards for all authority areas then I do not believe there is a requirement for a cap. Which I believe would reduce competition and do little to protect passenger safety.

Recommendation 11

I am still not convinced, based on evidence we have heard and read from many different stakeholder groups, that this is the best way to effectively license taxi and PHVs going forward. Although many firms will be totally unaffected by this, I believe there will be considerable implications for smaller PHV companies who regularly operate across several invisible local authority boundaries.

The aim of this recommendation is to prevent drivers being licensed in one part of the country from working predominately somewhere else. I had hoped we would have found a more creative way of reducing this problem whilst still retaining local autonomy, as I fear this recommendation is overly burdensome and is not a practical solution that fits in with passengers’ demands in the modern PHV industry.

I hope that the government will consult on this particular issue widely and seek to find a better and more creative solution that will protect the integrity of local authority licensing and retain healthy competition across boundaries that passengers have come to expect.

Recommendation 17

I do not believe the case has been made for the mandatory enforcement of CCTV in all taxis and PHVs. I support the aims of this recommendation, CCTV will be helpful for the prevention and conviction of crime involving taxi and PHV journeys.

However, I believe that local authorities should have the autonomy to decide on whether or not mandatory CCTV is required for the area in which they cover. I also remain concerned about the financial implications for drivers and small PHV companies who will bear the cost for installation, maintenance and recording of the footage in a data compliant manner.

I do believe the case has been made for drivers or companies choosing to have CCTV. This could form part of proposals for drivers to choose to license themselves at a higher level for passenger safety. A suggestion would be that if drivers choose to have CCTV installed, and license themselves at a higher level, this could allow them to operate across different LA boundaries other than the one they are licensed in.

I hope the government give careful consideration to the recommendations in this report. I believe there is a need to modernise the legislation governing the taxi and PHV industry and there are many sound proposals within this report that should be acted upon.

I would like to register my thanks to Professor Abdel-Haq and the team at the Department for Transport who have worked very hard to pull together this excellent report. I am also grateful to the other working group members who have contributed to a lively and informed debate.

Steve McNamara

General Secretary, Licensed Taxi Drivers' Association

The Licensed Taxi Drivers' Association agrees with the need to stop some drivers, particularly PHV drivers working through apps, from working excessively. However, we are concerned that the proposed measures set out in this report, especially the installation of tachographs, are neither practical nor proportionate and will prove to be very costly for both regulators and drivers.

For those PHV drivers who use apps for all their business it would be relatively easy to introduce restrictions on how long they are logged into the app. However, it would be much harder to regulate the hours of taxi drivers. The installation of tachographs has previously been discussed to try and control the hours of taxi drivers but each time the relevant regulator has deemed it an excessive measure, as well as intrusive and costly.

The best way to tackle excessive driving hours is to remove the need for drivers to work these hours in order to make ends meet. The LTDA believes that if all PHV operators paid their drivers at least the national minimum wage the hours those drivers feel the need to work would fall substantially.

Mick Rix

National Officer for Transport and Distribution, GMB union

The report attempts to address in a number of key areas enhanced public safety provisions with national minimum standards.

The issues around cross border working, plying for hire are issues which have blighted the trade for a number of years. The report recommendations are serious attempt to address these concerns and tackle head on what is a serious problem.

The recommendations on workers rights being placed into license conditions for operators if adopted will be another nail in the coffin for those who seek to exploit drivers for their own gain.

GMB urges the report recommendations to be adopted by our law makers and that legislation should be brought forward as quickly as possible.

Finally I would like to thank our Chair, who along with his good humour and humility, kept everyone focussed. It was a pleasure to work with him.

Donna Short

Director, National Private Hire and Taxi Association

Firstly I would like to echo the sentiments of every member of this group and commend the Chair of the group, Professor Mohammed Abdel-Haq, for a very comprehensive, detailed and easy to read report to the Minister. It is my belief that the report reflects accurately and succinctly the thoughts and views of the majority of the group's members on most of the points raised during the meetings held over the past few months.

This has been an arduous task, given the complexity of existing taxi and private hire legislation – and its archaic and user-unfriendly state, which was the prime motivation for Transport Minister John Hayes MP to have set up the group in the first place. In that regard I would also wish to thank the officers of the Department for Transport for their administrative support and input into the production of the report, and indeed the entire process of hosting and overseeing all the group meetings.

There is no need for me to put down each recommendation and comment on all of them, as in reality I am in agreement with most of the recommendations. What is most important is for the Minister to consider each of the recommendations' aims and goals, and whether they would pass the test of "Is this really what Parliament intends if/when they revise the legislation?"

This presupposes that the current Minister will approve and "sign off" the report at the earliest possible opportunity, so that Government can start work on those recommendations that may be activated immediately without having to depend upon new primary legislation - which we have all been advised would not be feasible for this industry during the current session of Parliament.

May I give a huge personal thumbs-up to **Recommendations 17/18** (CCTV in all licensed vehicles, with a funding boost; the debate is as to voluntary or mandatory) and Recommendation 26 (the training of council officers and emphatically, Councillors on licensing committees).

There are some recommendations however which will certainly be more controversial than others; none more so than **Recommendation 11** concerning all journeys – both taxi and private hire – having to start and/or finish within the area in which all three elements (driver, vehicle and operator) are licensed.

Given that there would be concessions made for certain segments of the industry, this only slightly eases the blow of what would otherwise cause a serious restraint of trade. In my opinion such a fundamental ring-fencing of licensing restriction would stifle competition, stunt the growth of some of the larger companies and conglomerates, and possibly put some of the smaller private hire operations out of business.

In practical terms, hundreds of operations that depend almost entirely on airport transfers (these operations are not exclusively chauffeur/executive, but often cater for a mix of upmarket and "ordinary" private hire passengers), would be severely hampered in particular, as often their drivers are dispatched to pick up or drop off regular customers at any of the major airports from, say, the driver's own home without having set foot in his licensing area during that journey.

Above all, there could be severe risks posed to public safety, as the recommended ABBA [that all taxi and PHV journeys should start and/or end within the area for

which the driver, vehicle and operator are licensed] restriction limits customer choice to the extent that some passengers may end up stranded, often late at night, merely because their potential transport has the wrong plate on the vehicle. This cannot be right, nor in the best interests of the travelling public.

We understand that the practice of many drivers and operators at the present time of working entirely remotely from their own licensing district is not what Parliament intended in any existing legislation; nor is it safe for the public in all its ramifications; nor is it anything but damaging to bona fide firms that “do it right”. There must be some way to curtail this pandemic abuse of licensing practice; however I do not believe that Recommendation 11 is the way to accomplish this.

Unfortunately any potential alternatives are scuppered by two recent pieces of case law: that of **Skyline Taxis v Milton Keynes Council** from November 2017 (where the necessity of a “physical presence” of a private hire operator base in each district was discarded), and **Knowsley MBC v Delta and Uber** from March 2018 (which rules out the concept of “intended use policy” for private hire). This entire topic requires intense investigation.

The other recommendation which seems to have caused a great deal of controversy is **Recommendation 8**: to set a cap on the number of private hire vehicles. At present there are entirely too many licensed vehicles now in operation, and this on the surface has caused severe competition, longer drivers’ hours, congestion and air quality issues.

However, it is my view that a cap on private hire numbers at this time is a “closing the stable door after the horse has bolted” scenario: it is too late to have the desired effect of correcting the above problems, as numbers have already skyrocketed and the vehicles that are currently licensed cannot be taken off the road purely on numerical grounds.

There is still a perceived need for more drivers and vehicles in some districts, whilst there is an over-supply in others. To limit PHV numbers across the board would possibly endanger passengers in those areas where supply is short, to the extent that those passengers could seek transport in unlicensed vehicles, drive their own vehicle when over the alcohol limit, or even attempt to walk to their destination and put themselves at risk on the street during night time hours.

If national standards are brought in at the level whereby (a) licence-shopping outside the district becomes less attractive; (b) reciprocal implementation of authority by officers allows for stricter enforcement across borders; and (c) the standards for both drivers and vehicles preclude volumes of casual licensing of substandard vehicles, these factors in themselves would limit further numbers of licensed vehicles flooding the market.

It is my belief that market forces will prevail without an artificial ceiling; supply and demand of PHVs must be allowed to continue in the name of fair competition and public safety.

As for driver training (**Recommendation 25**), this is an area that needs serious consideration: there is no longer a Sector Skills Council to sanction and implement future training programmes; there is no longer a current structure of updated BTEC (underpinning knowledge) and NVQ (assessment) that could be applied nationally; and crucially there is little funding in place to assist applicants to gain this very important and necessary training. The situation needs careful examination, new funding sources and constructive reform as soon as possible.

Within **Recommendation 30** (wheelchair accessible vehicle provision) the most important criterion must be clarity: it must be stressed that the Government position favours a mixed fleet of both saloon and wheelchair taxis. If it is not possible to have a set percentage of WAVs agreed across the entire country, then there must be another way to provide such provision without making WAVs compulsory across the entire taxi fleet in any one district. This policy is discriminatory against ambulant disabled passengers: arthritics, stroke victims, partially blind passengers, as they often have great difficulty getting into and out of WAVs.

There are perceived practical difficulties in implementing **Recommendation 34**, the restriction of taxi and PHV drivers' hours. Government will have to come up with an alternative to tachographs in every licensed vehicle, which is the current method of tracking drivers' hours in the bus, coach and logistics industries.

My only concern in respect of a possible omission within the recommendations is any mention of medical standards for drivers. I appreciate that this may fall under the category of "fit and proper" (which still needs defining); however in our experience the DVLA Group 2 criteria for medical fitness to drive are not being adhered to, either in terms of the exam itself or its correct frequency of intervals, by far too many licensing authorities. This poses a serious risk to the travelling public, and should be addressed with some urgency.

The motto, credo and remit of this Association from its inception has always been "to raise standards in the trade, both actual and as perceived by the public". The view of members of the group, and indeed the report itself, mirror(s) those desires and sentiments, and it has been an honour and a privilege for me to have been chosen and to have taken part in the group meetings and discussions.

Time is of the essence if this industry is to be rescued from its current state of chaotic lack of coherence and direction. I cannot emphasise strongly enough that this report encapsulates and addresses in great detail and insight the difficulties currently at hand, and – unlike previous attempts at reforming the industry - it must be acted upon with alacrity and determination.

Steve Wright MBE

Chairman, Licensed Private Hire Car Association

The views below are based on known policy and positions of LPHCA members alongside the discretionary judgement I am constitutionally afforded as LPHCA Chairman.

Given there were so many different and interested parties providing input, I feel the quality of the Report and the proposal outcomes, are in the main excellent and I'd like to congratulate and commend the Chair, DfT Officials and Group Colleagues for the hard work, professionalism and spirit of collaboration, widely shown.

Inevitably there are a few areas of non-agreement and unless referenced below, the LPHCA fully endorses the proposals and more generally the superb quality of the report.

Recommendation 8

We cannot agree with recommendation 8 because it is, in our view, anti-competitive, protectionist, un-environmentally friendly and safety compromising, furthermore it would be extremely costly, as well as difficult to enforce and regulate.

We do not accept that the proposal should help authorities to solve challenges around congestion, air quality and parking, which can be resolved outside of Taxi & PHV licensing. Nor do we accept that it would ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions, which again is a matter that in our view is wholly outside of Taxi & PHV licensing.

This proposal, if adopted, could bring about shortage of supply and make it very difficult for hire and replacement vehicle companies to operate. This in turn could leave consumers at risk of being stranded because of volatile and unpredictable demand factors, such as the weather and seasonal demands (e.g. during, Diwali, Christmas & New Year periods).

This proposal also lacks any tangible safety benefits and in our view, it would compromise rather than enhance safety.

Recommendation 11

We cannot agree with recommendation 11 because it is anti-competitive, protectionist, un-environmentally friendly and safety compromising, furthermore it would be extremely costly, as well as difficult to enforce and regulate. It would also increase dead mileage, make the industry far less efficient, increase costs and potentially lead to demand outstripping supply, which has serious safety implications.

The notion that Operators could hold multiple licenses is unsound, unnecessary and cost-prohibitive. Some operators would need to hold scores and possibly hundreds of licenses to operate as they do now, the cost and administrative burden would take the Private Hire Industry into an area that we believe has no place in a modern economy.

This proposal, in our view, is also out of kilter with the Law Commission's recommendations, government policy and fair, progressive competition. It will be, without doubt, vehemently opposed by the Private Hire Industry and will badly let down consumers if taken forward. National standards, compliance and enforcement proposed by the Chair elsewhere will eradicate many of the current inhibiting factors

on Local Authorities to deliver ‘fit for purpose’ regulations, without such inhibitive measures.

This proposal looks to be borne out of so called ‘Cross-Border hiring’, something which has always been undertaken by PHVs without problem until the arrival of large ‘App-Only’ companies whose drivers show themselves publicly outside of the area they are licensed in.

The proposal, as drafted, would not solve ‘Out of area working’ as the entities that have caused this anomaly, will simply licence in every licensing authority, which will be beyond the scope of the vast majority of PHV operators in England.

A viable solution may be to only allow pre-booked and corporate journeys to be undertaken out of area, with PHV drivers only able to show their position / availability in the area they are licensed in.

This could be enshrined in the future definition of Plying for Hire recommended elsewhere, by establishing a clear distinction between Public and Private Hiring of PHV’s and Taxis.

The notion that specialist services such as chauffeur and disability transport services could continue to operate cross border under exemption is problematic as defining what a chauffeur is would be difficult.

Nearly every PHV carries elderly, disabled, special needs and vulnerable passengers and many PHVs are not specialist vehicles, but nevertheless they are the preferred mode of door-to-door transport for such passengers. This proposal would have a negative impact on such passengers.

We therefore cannot endorse the proposal and point out there are far better ways to deal with ‘cross-border’ / ‘out of area operation’. We believe safety would in fact, be compromised, rather than improved.

Recommendation 12

We agree that Licensing Authorities should ensure that their licensing administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

We must however ensure that such fees are proportionate, distributed appropriately and set at reasonable levels. Such fees should also be applicable to taxi & PHV drivers and operators and not have commercially inhibiting factors in the fees structure.

Recommendation 17

We accept that CCTV has a great role to play regarding both passengers and driver safety. We have undertaken research with consumers, operators and drivers on both the merits and issues that CCTV can bring.

We accept ‘in principle’ the spirit of what is being sought by way of safety, but personal privacy, uncertainty of costs, who has access to the data and how this would affect entities that provide hire-cars for drivers when either broken down or following an accident are significant issues.

We therefore cannot agree with mandating CCTV across the board and would like government to undertake a full-blown regulatory impact assessment and have considerable dialogue with trade representatives and others, so we can get the right balance for CCTV to go forward in a viable way.

Recommendation 28

We agree that Licensing Authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.

A problem area however comes within any written element, which in our view in London has been set way above the standard that is required for a PHV driver to fulfil their duties. We would like a fixed national standard of English to be in place that enshrines an oral test, the ability to plan a route and use an atlas & satnav. Good tests are already available and in use by some Local Authorities.

The level needed for written English is low because the only writing that most taxi or PHV drivers will need to do in the course of work is to write out a receipt. Since the introduction of English Language testing in London, there have been legal challenges, trade protests, heavily signed petitions, alongside the changing of requirements and implementation dates.

Proposed exemptions have been dropped and a great deal of hardship, unnecessary stress and cost has also been the consequence, alongside serious unresolved issues for dyslexic drivers. The British Dyslexia Association are in contact with TfL and the LPHCA on very real problems that the written element is causing.

TfL's current English Language requirements has caused the Mayor of London to have two meetings with Trade Representatives to date. The requirement date has been moved back several times (now to 30th April 2019) and the Mayor has stated that further dialogue could be needed in 2019 to get things right.

As well as the above, taxi drivers in London are exempted, whilst PHV drivers are not, which is something we are looking at on the basis of equality and discrimination. It is also very questionable why someone who has been working in the PHV industry for many years needs to be retrospectively tested for their English.

It should be remembered that every PHV driver in London has passed a driving test and for many years all PHV drivers have undertaken a TfL approved topographical assessment.

We propose that an agreed pan-England standard of assessment is needed, rather than every Local Authority doing its own thing, at differing costs and standards.

Recommendation 30

We are very supportive of measures that improve disabled vehicle provision but around 90% of disabled passengers are not wheelchair bound and rely on normal PHVs for their transport, with many actually preferring non-wheelchair accessible vehicles.

Mandating fleet quotas would bring considerable problems for PHV Operators as well as many drivers who are majoritively self-employed and now move between fleets. We would therefore like government to facilitate dialogue with PHV trade representatives and disabled groups like the Disabled Persons Transport Advisory Committee (DPTAC) to discuss how Private Hire can play a greater role in providing appropriate vehicles.

SUMMARY

The LPHCA believes that following the Law Commission Review and Professor Mohammed Abdel-Haq's excellent report, a number of these recommendations could

be brought in fairly quickly as there appears to be wide ranging consensus on key areas.

We also feel that for certain recommendations like English Language, enhanced DBS and barred lists checks, use of the National Anti-Fraud Network (NAFN) database, etc., that an absolute standard should be put in place. This would ensure that inconsistency, which has traditionally been the root cause of licensing problems, is eradicated.

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 26/10/18 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 6th November 2018			
Taxi and Private Hire Licensing - Results of June and July consultation on driver policies and conditions.	To consider a report by the Chief Officer, Elections and Regulatory which sets out the results of June and July consultation on driver policies and conditions.	A White	RP
Taxi and Private Hire Vehicle Licensing - Step Towards a Safer and More Robust System	To consider a report by the Chief Officer, Elections and Regulatory which sets out the recommendations of the Department of Transport Task and Finish Group established to review legislation around Taxi and Private Hire Vehicle Licensing	A White	RP
Leeds Clean Air Charging Zone (CAZ): Taxi and Private Hire Support Packages	To consider a report by the Director of Resources and Housing which informs Members of the specific issues affecting the Taxi and Private Hire sector as a result of the introduction of the CAZ and provides information about the proposed support packages.	E Slater	B

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 26/10/18 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 4th December 2018			
Harehills & Gipton Action Report	To consider a report by the Director Communities & Environment, which seeks to address the issues of public nuisance/ anti-social behaviour in the Harehills area, raised at Licensing Committee on 2 nd October 2018.	Communities Team	B
Leeds Festival 2018 – De-Brief	To consider a report by the Chief Officer, Elections and Regulatory which provides a de-brief of the Leeds Festival 2018	S Holder	B
Meeting date: 8th January 2019			
Meeting date: 5th February 2019			
Meeting date: 5th March 2019			
Annual Licensing Report	To consider a report by the Chief Officer, Elections and Regulatory which presents the Annual Licensing Report for 2018	N Raper/ A White	PM

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 26/10/18 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
West Yorkshire Combined Authority Project to Harmonise Taxi & Private Hire Driver Training Across West Yorkshire and York	To consider a report by the Chief Officer, Elections and Regulatory which sets out the results of the consultation into Taxi & Private Hire Driver Training	A White	DP
Meeting date: 2 nd April 2019			
Meeting date:			

Key:

RP – Review of existing policy

DP – Development of new policy

PM – Performance management

B – Briefings

SC – Statutory consultation

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