

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 14 January 2014

Subject: Delegated Decisions taken by Taxi and Private Hire Licensing: 1st July to 30th November 2013

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- 1 This report updates the previous statistical information that was provided to Members in August 2013 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing.
- 2 This report contains information on decisions taken from 1st July to 30th November 2013.

Recommendations

3. That Members note the information in this report.

1 Purpose of this report

- 1.1 At their meeting in August 2013, Members requested that further update reports regarding delegated decisions taken by officers be produced and submitted to the Licensing Committee on a six monthly basis.

2 Background information

- 2.1 The report in August 2013 gave information on delegated decisions taken from 1st January to 30th June 2013. This report gives information on delegated decisions taken from 1st July to 30th November 2013.

2.2 Information on delegated decisions taken in the first six months of 2013 has been reproduced for comparison purposes.

2.3 All decisions taken are done so with regard to council policy, conditions and application criteria approved by Licensing Committee. A full list is available under Background Documents.

3 Main issues

3.1 Number of Licences

3.1.1 Leeds currently has the following numbers of licences in place: -

- 1008 Hackney Carriage Drivers
- 537 Hackney Carriage Vehicles
- 5016 Private Hire Drivers
- 3842 Private Hire Vehicles
- 84 Private Hire Operators

3.2 Number of Decisions Taken

3.2.2 The application, renewal, refusal, suspension and revocation of licence figures for the first six months of 2013 and 1st July to 30th November 2013 are set out in the table below.

2013	Applications	Refusals	Suspensions	Revocations
Jan - Jun	293	5	52	14
Jul - Nov	271	2	34	4

3.2.3 When considering the above information it is important to note that there is no direct correlation between the number of suspensions and revocations in any one year. For example, the number of licences revoked in any one year will include a proportion which were suspended in the previous year with a final decision being made on revocation in the following year.

3.3 Decisions taken 1st July – 30th November 2013

3.3.1 Between 1st July and 30th November 2013 two licences were refused and four licences were revoked. The reasons for refusal and revocation are set out in the table below.

Categories	Refusals		Revocations	
	Jan - Jun	Jul - Nov	Jan - Jun	Jul - Nov
Dishonesty			1	
Drugs	2			1
Violence	2	1	1	
Sexual	1		5	1
Driving disqualification			1	
Plying for hire		1	3	1
Fail to comply with conditions				1
Fail to disclose convictions			1	
Major motoring convictions			2	
TOTAL	5	2	14	4

3.3.2 In relation to suspensions, 34 drivers have been suspended between 1st July and 30th November 2013. The reasons for suspensions are set out in the table below.

Reason for suspension	Jan - Jun	Jul - Nov
Dishonesty offence	1	2
Drug offence	3	4
Violent offence	3	3
Sexual offence	5	2
Fire arms offence	0	0
Motoring offence	0	1
Driving disqualification	11	1
Plying for Hire	9	13
Fail to comply with conditions	0	1
Fail to disclose convictions	6	1
Inappropriate behaviour	4	1
No right to work in UK	1	0
Medical reason	8	3
DVLA licence expired	1	0
Total	52	34

3.3.4 Members will note that the largest category of suspension for 2013 relate to plying for hire. This illustrates the point that there are few cases which turn solely on the exercise of discretion. Members will also note the number of suspensions relating to offences of violence and dishonesty which directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

3.4 Complaints Received 1st July – 30th November 2013

3.4.1 So far in 2013, 418 public complaints have been received. The complaint categories are set out in the table below.

Complaint Category		Jan – Jun	Jul - Nov
Driver behaviour	Rudeness	5	10
	Property	2	1
	Disability	3	1
	Over charging	12	11
	Standard of driving	67	64
	Inappropriate behaviour	32	38
	Race Discrimination	0	2
Environmental	Parking nuisance	25	16
	Noise nuisance	2	4
Plying for hire		13	15
Breach of licensing conditions		17	8
Criminal complaint		10	4
Defective vehicle		7	3
Operator		27	16
Unlicensed vehicle		1	0
Unlicensed driver		2	0
Total		225	193

3.4.2 Members will note that the largest categories of complaint relate to standard of driving and inappropriate behaviour. Complaints regarding the standard of driving most commonly relate to the use of mobile phones whilst driving and speeding. In the majority of cases, licensed drivers are given verbal warnings, a record of which is placed on their licensing file. Complaints regarding inappropriate behaviour cover a range of issues from smoking in a licensed vehicle to making inappropriate comments/ actions of a sexual nature.

3.4.3 Each complaint is dealt with on its own merits however complaints regarding racial, sexual or disability discrimination directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

3.5 Appeals Received 1st July – 30th November 2013

3.5.1 So far in 2013, 35 appeals have been received. The reason for the appeal and the outcome are set out below;

January – June Type of Appeal	Volume	Court	Result
Against conviction	1	LMC	Dismissed
Against conviction and sentence	3	LCC	Dismissed
		LCC	Withdrawn for training no costs against Council
		LCC	Withdrawn
Against refusal	1	LMC	Dismissed
Against revocation	7	LMC	Remain suspended
		LMC	Withdrawn
		LMC	Dismissed x 4
		LMC	Allowed in part
Against sentence	1	LCC	Withdrawn
Against suspension	6	LMC	Dismissed x 2
		LMC	Withdrawn x 3
		LMC	Upheld
Refusal to renew	1	LMC	Dismissed
Total	20		

July – November Type of Appeal	Volume	Court	Result
Against refusal to grant	5	LMC	Dismissed x 3
		LMC	Withdrawn
		LMC	Upheld
Against revocation	3	LCC	Dismissed
		LMC	Dismissed x 2
Against suspension	7	LMC	Dismissed x 4
		LMC	Withdrawn x 2
		LMC	Upheld
Total	15		

4 **Corporate Considerations**

4.1 **Consultation and Engagement**

4.1.3 The information contained in this report has not been the subject of consultation with the trade as it is statistical information only.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee which are used to inform decision making. These are available as Background Documents.

4.3 Council policies and City Priorities

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

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- 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
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

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

4.3.3 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 a statistical report there are no resource or value for money issues to consider.

4.5 Legal Implications, Access to Information and Call In

4.5.1 As this is a statistical report there are no legal implications or access to information issues to consider. This report is not subject to call in.

4.6 Risk Management

4.6.2 The decisions taken by officers can be challenged by appeal through the Magistrates' Court and further appeal to the Crown Court.

5 Conclusions

5.1 That decisions taken by officers have regard to council policy, conditions and criteria approved by Licensing Committee and that every case has been judged proportionately on its own merits.

6 Recommendations

6.1 That Members note the information in this report.

7 Background documents

Taxi and Private Hire Vehicle Licensing: Best Practice Guide – Department for Transport March 2010

Approved Policies: -

- Medical Exemptions
- Plying for Hire

Conditions: -

- Private Hire Driver
- Hackney Carriage Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Operator

Application Criteria: -

- Driving Standards Agency (DSA) Test
- Group II Medical
- English Comprehension
- Convictions Criteria

- Disclosure and Barring Service Vetting
- Local Knowledge Test
- Private Hire Vehicle proprietors inc rental companies
- Executive Private Hire Driver
- Executive Private Hire Vehicle
- Executive Private Hire Operator
- Stretched Limousine Private Hire Driver
- Stretched Limousine Private Hire Vehicle
- Stretched Limousine Private Hire Operator
- Hackney Carriage Proprietor

Equality and Cohesion Screening Documents