

Report of: Executive Officer, Taxi & Private Hire Licensing

Report to: Licensing Committee

Date: 5 December 2017

Subject: Review of Policies and Conditions – proposals for working groups

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 checked="" type="checkbox"/> Yes	<input 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:		

Summary of main issues

The Licensing Committee approved in October 2017 the review of the council's various policies and conditions for taxi and private hire licensing. Members of the committee expressed an interest in getting clarity on their input, and that of other stakeholders, to the overall review process.

This briefing report suggest how the working groups could be established, with a view to tackling in turn the reviews of the various taxi and private hire policies and conditions.

Recommendations

Licensing Committee is recommended to note the establishment of working groups for the review of the council's taxi and private hire policies.

1.0 Purpose of this report

1.1 This briefing report suggest how the working groups could be established, with a view to tackling in turn the reviews of the various taxi and private hire policies and conditions.

2.0 Background information

- 2.1 The October 2017 meeting of Licensing Committee heard that Leeds City Council has responsibility for licensing Hackney Carriage vehicles, drivers and proprietors, Private Hire and Executive vehicles, drivers, and operators within the city.
- 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 set 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 licenses 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 Licensing Committee supported the 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, and to ensure that the associated application forms and guidance are as clear and supportive as possible. **Appendix 1** at the end of this report summarises the 43 policies and conditions due for review and consultation, and groups them by possible working group theme: driver, operator, vehicle or safety.

3.0 Main issues

- 3.1 The main issues relate to the working group approach, or terms of reference, input from key stakeholders, and timetable for review.
- 3.2 It will be important for us to ensure that the working group approach draws on input from a range of stakeholders, many of whom will have competing perspectives and interests. It will also be important for the working group to ensure that while it provokes discussion and a range of opinions, the end result is a set of clear recommendations which can be implemented, and can be enforced, in the interests of public safety. A list of possible stakeholders is included in **Appendix B**.
- 3.3 It will also be important for us to remain aware of the emerging trend towards developing national minimum standards and best practice, to keep up to date with the developments in technology and cross-border working, and to comply with the requirements of the Deregulation Act 2015. Further, the work being undertaken by the West Yorkshire & York group of authorities is likely to specify minimum standards for those conditions and policies relating most directly to public safety. This is most likely where it is considered there is a benefit in all authorities writing and rewriting conditions and policies which use the same language to support more effective cross-border intelligence, enforcement and legal action.
- 3.4 The proposals for the working groups are as follows:
 - Working group A – drivers: initial meeting Jan, review meeting Feb, final meeting March 2018;

- Working group B – operators: initial meeting April, review meeting June, final meeting July 2018;
- Working group C – vehicles: initial meeting Sept, review meeting Oct, final meeting Nov 2018; and
- Working group D – safety: initial meeting Dec 2018, review meeting Jan 2019, final meeting Feb 2019.

4.0 Corporate Considerations

4.0.1 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

4.0.2 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
- Safeguarding children and vulnerable adults

4.0.3 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.

4.1 Equality and Diversity / Cohesion and Integration

- 4.1.1 An equality, diversity and cohesion screening exercise will be undertaken of any policy implications. It is not considered that the content of this report or the recommendations made will have any impact on any specific group or individuals. This report and requests for input will be shared with the Equality Hub at its January 2018 forum.

4.2 Council policies and City Priorities

- 4.2.1 The services provided under this report will contribute to the council's business plan through spending money wisely.

4.3 Resources and value for money

- 4.3.1 The working groups will be managed and supported through existing resources. It is expected that input from other authorities or national agencies can be gathered by desk top analysis or written contributions, without the need to visit different cities in person.

4.4 Legal Implications, Access to Information and Call In

- 4.4.1 A procedure will be set up for the control of documents and information relating to training.

4.5 Risk Management

- 4.5.1 There are no risk management implications arising from this schedule of proposed review of policies and conditions, and it is not subject to call in or publication. The review of the policies and conditions may well raise issues perceived as relating to risk, such as where the council may harmonise its conditions in line with neighbouring authorities to enable more effective enforcement of cross border vehicles.

5.0 Conclusions

- 5.1 The report provides Chair of Licensing Committee and Committee members with information on the setting up of working groups for the review of the council's policies and conditions.

6.0 Recommendations

- 6.1 Licensing Committee is recommended to approve the setting up of working groups to review the council's taxi and private hire driver policies and conditions.

Appendix 1 Working Groups for review of TPHL policies and conditions

Working Group A: Driver Conditions

Existing conditions:
Group II Medical
Stretched Limousine Private Hire Driver
Medical Exemptions
Executive Private Hire Driver
Driving Standards Agency (DSA) Test
English Comprehension
Local Knowledge Test
Customer Care Training
Private Hire Driver
Plying for Hire
Novelty (Trike) Private Hire Driver
Three Year Driver Licences

Working Group B: Operator Conditions

Existing conditions:
Stretched Limousine Private Hire Operator
Executive Private Hire Operator
Novelty (Trike) Private Hire
Private Hire Operator
Private Hire Vehicle Proprietors inc. rental companies
Hackney Carriage Proprietor Suitability

Working Group C: Vehicle Conditions

Existing conditions:
Stretched Limousine Private Hire Vehicle
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
Executive Private Hire Vehicle
Novelty (Trike) Private Hire Vehicle
Vehicle Age Criteria – 5/6/7 seat HC WAVs

Working Group D: Safety and other Conditions

Existing conditions:
DBS Checks (annual checks/ online update service)
Convictions Criteria
Immediate Suspensions
Publishing Driver Convictions

Appendix B List of Stakeholders

Access Committee

Core Cities Licensing Authorities

Equality Hubs

Hackney Carriage Associations/Unions, Operators, Proprietors and Drivers

Institute of Licensing

LCC Highways

LCC Licensing Committee Working Group members

LCC Passenger Transport

LCC Legal Services and expert legal advice

LCC Taxi and Private Hire Licensing staff

National Association of Licensing & Enforcement Officers

Private Hire Operators, Drivers and Associations/Unions

Universities

West Yorkshire Police

West Yorkshire & City of York Licensing Authorities