

**Report of** Taxi & Private Hire Licensing Manager

**Report to** Licensing Committee

**Date:** 25 May 2018

**Subject:** Taxi & Private Hire Licensing – Review of driver conditions and wheelchair stickers

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 seeks to inform committee members of the initial recommendations of the Driver Conditions Working Group for the review and consultation of Taxi and Private Hire Licensing policies and conditions. The Working Group has heard input and representation from a wide range of stakeholders in the local and regional taxi and private hire licensing trade between January and April 2018, and the committee members on the working group have chaired each working group meeting. The Working Group also discussed earlier than was originally scheduled whether to review the windscreen livery condition to permit drivers to remove stickers, as a result of representation from driver groups.
- 2 The working group has made recommendations for a number of policies and conditions to be revised, relating to driver conditions and guidance, driver training, and 3 year licences. A number of policies were discussed in some detail, but recommendations were not made to revise those conditions: intended use policy, the ability of drivers to work for more than one operator, and windscreen livery. The working group also discussed the implications of the developing harmonisation of some taxi and private hire licensing policies across West Yorkshire and City of York.
- 3 The views of licensing committee members are sought before the revised policies and conditions are consulted upon.

## **Recommendations**

1. That committee members note the purpose and content of the information in this report and the draft policies and guidance attached at **Appendices 2, 3 and 4**.
2. That committee members consider the summary of discussion at the working group and make any further recommendations to the policies and conditions and approve for public consultation.

### **1 Purpose of this report**

- 1.1 To inform committee members of the initial recommendations of the Driver Conditions Working Group for the review and consultation of Taxi and Private Hire Licensing policies and conditions.
- 1.2 To highlight to committee members of the likely areas where the council's current policies and conditions should be consulted upon and policies updated following receipt of any comments or objections.

### **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 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 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 in the UK, 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 are listed in **Appendix 1**. 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;
- 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 are summarised in this report, and draft revised guidance attached in **Appendices 2, 3 and 4**.

### 3 Main issues

#### Driver Conditions

3.1 The council's Private Hire driver conditions were reviewed (and also those relating to Executive Private Hire Driver, Limousine Driver and Novelty Driver). A set of draft guidance notes for drivers if the recommendations were to be adopted are shown at **Appendix 2**.

3.2 No major changes to the driver conditions are recommended.

3.3 A number of comparatively minor changes are recommended.

- **Medical circumstances** (section 4 p26 of **Appendix 2**) – added link to gov.uk webpage on medical rules for all drivers.
- **Requirement to report convictions and associated incidents** (section 5, p 30 of **Appendix 2**) – added 'any Police interview'.
- **Conduct of driver** (section 9, p31 of **Appendix 2**) – 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** (section 10, p32 of **Appendix 2**) – added link to gov.uk car seat rules.
- **Fare to be demanded** (section 12, p33 of **Appendix 2**) – added reference to 'operator's approved GPS device'.
- **Lost property** (section 13, p33 of **Appendix 2**) – added note for lost items to be delivered by drivers to Elland Road Police Station.
- **Three year driver licences** (p46 of **Appendix 2**)– 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.

3.4 Two areas were discussed, but ultimately not recommended.

- **Driver licences / change of operator** (sections 1 and 2, p23 of **Appendix 2**) – 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. 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 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) changes to be made for drivers to work for more than one operator. 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 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. 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. 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.

## **Driver Training**

- 3.5 **Appendix 3** shows the recommended draft guidance for driver training.
- 3.6 The guidance is being developed with the other neighbouring West Yorkshire authorities and City of York with a view to harmonising driver training across the region, so that every driver has reached the same level before being licensed.
- 3.7 If implemented, this would be a major change, requiring applicants to complete and pass teach module of the West Yorkshire and York driver training before being able to complete other requirements of the driver application process. The change would also allow previous driver training to be recognised, and applicants given dispensation to avoid repeating training modules where they had already met the requirement. In the working group, many delegates said they could see the public safety benefits of all drivers in the region being required to meet the same standard. Some delegates were concerned about whether the new specification would encourage training providers to award qualifications without a thorough test, and some delegates were concerned that this might increase the cost of training.

- 3.8 Some delegates were also concerned about the recommendation of a refresher session, which is in place in Bradford MBC. Delegates were broadly supportive of the requirement to have all drivers initially meet the same standards, but some were sceptical about the need for a refresher test for drivers who had been driving for many years. Some were concerned that the refresher session might involve a test, with the risk of some drivers having their licence suspended if they failed to attend or failed the test. Some delegates also said they felt that refresher training should be free or very low cost, to avoid being viewed as a revenue generator.
- 3.9 It was agreed at the working group to share the Bradford MBC refresher training, which does not have a test. It was also agreed to check with the other authorities in the WY&Y group to check their views on whether the refresher should remain for awareness only. The arrangement would continue where drivers would be referred for refresher training if there were reports that their driving or behaviour had fallen below the required standards.
- 3.10 In order to align the driver training conditions with the other WY&Y authorities, Leeds will consult on the training proposals at the same time as the other authorities, likely to be during October and November 2018. The responses to the consultation will be reported to Licensing Committee in December 2018 or January 2019, depending on the number of responses received across the region.

### **Windscreen Stickers**

- 3.11 The working group also discussed the issue of windscreen stickers. Since October 2017, a number of drivers had stated strongly that they wished to remove their windscreen stickers, as in some areas of the city, some drivers were reporting incidents of stones being thrown against their vehicles.
- 3.12 The council has had for a long time a condition requiring all vehicles to display a sticker at the top of the windscreen and rear window, detailing the operator name and phone number, in addition to stickers on the front passenger doors and on the rear of the vehicle, as attached in **Appendix 4**. The condition is in place for public safety reasons, so that Leeds private hire vehicles can be identified from any angle, by the public, and by CCTV cameras, and by police or enforcement officers, as well as by the customer making the booking. The condition ensures that if a member of the public wishes to raise a concern or a compliment about a private hire vehicle, there is a much lower risk of their not being able to identify the vehicle, and police or enforcement officers much more able to take effective action.
- 3.13 In response to the reports of stone throwing, the council has agreed a single line of contact with West Yorkshire Police, so that all cases of anti social behaviour and criminal damage against taxi and private hire vehicles are reported to the same person, and the effect of covert surveillance and overt operations can be reviewed. The council also agreed to bring forward the review of the windscreen conditions to the driver working group, so that it could be reviewed as early as possible.

- 3.14 The condition was discussed in some detail, however the working group did not agree. The drivers' representatives said that their members who had removed windscreen stickers had felt safer. Some drivers' representatives said that they believed the windscreen sticker was not for public safety reasons, but advertising for private hire operators. The councillors on the working group stated that in their view, the windscreen stickers gave passengers and the general public a high degree of confidence in being able to identify private hire vehicles, including on CCTV in the city centre. Councillors stated that in their view, this reduced the risk to public safety of drivers working without stickers and operating under the radar without being observed and detected.
- 3.15 The chair of the working group concluded by stating that the recommendation would be that the condition would not be removed, owing to the importance of the sticker for public safety. The Windscreen Visor conditions in Appendix 4 show in red where the existing policy has been revised for sake of clarity and consistency:
- To unambiguously state that the stickers should be applied to the outside of the vehicle;
  - To correct a reference to 'Proprietor', where all visor stickers should state the Operator name and phone number.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The council will advertise the proposed changes on the council website, and seek views by survey. It will also share the proposed fees with drivers and operators by email and at face to face meetings.
- 4.1.2 At this stage, it is possible to highlight the following indicative milestones.
- **May 2018:** Report to Licensing Committee.
  - **June 2018:** Proposed changes advertised on council website and by survey.
  - **July 2018:** Review of responses and representations by Licensing Committee and final changes agreed.
  - **September 2018:** New policies and conditions implemented.
  - **October 2018:** consultation across West Yorkshire and City of York on harmonisation of public safety conditions.
  - **January 2019:** report on findings of consultation across West Yorkshire and City of York.

### **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.

### **4.3 Council policies and City Priorities**

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

#### **Best Council Plan**

#### **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; 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 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:

4.3.3 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**

4.4.1 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 licences. While the Act does not specify enforcement as part of the service, UK law is commonly interpreted to include enforcement in the setting of fees.

4.4.2 These arrangements mean that if proposals are associated with additional costs, they will be funded via licence fees and will not place additional pressure on the council's budget. Conversely, it also means that the council will not run a significant budget surplus.

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

4.5.1 There are possible legal implications arising from this review, but it is not subject to call in or publication.

#### **4.6 Risk Management**

4.6.1 The following risk is identified:

- **Risk of 3 year driver licences.** If the council were to approve 3 year driver licences without the need for drivers to prove 5 years' good behaviour, there is a possible risk of drivers who would not have been able to prove 5 years' good behaviour being granted a 3 year licence. However, owing to the requirement for annual DBS registration, in addition to the CSE safeguarding training all drivers have attended, it is believed this is a minimal risk. All new applicants will only be licenced for 12 months before they can apply for a 3 year licence.

### **5 Conclusions**

5.1 The report has addressed the recent review of driver policies and conditions, and on the recent request for the council to review its policy on windscreen stickers. The report has summarised the findings of the working group, which drew from a wide range of perspectives and experiences.

5.2 The report has provided details of proposals for where the council's policies and conditions should change, and where there was discussion, but it is recommended that the policies do not change.

### **6 Recommendations**

6.1 That committee members note the purpose and content of the information in this report and the draft policies and guidance attached at Appendices 2, 3 and 4.

6.2 That committee members consider the summary of discussion at the working group and make any further recommendations to the policies and conditions and approve for public consultation.

#### **Appendix 1 List of delegates attending and contributing to Driver Conditions Working Group**

#### **Appendix 2 Draft guidance to applicants, includes standard conditions attached to private hire driver licence, executive private hire driver licence, limousine driver, and novelty driver licences**

**Appendix 3 Draft training guidance**

**Appendix 4 Windscreen stickers**

## **Appendix 1 Attendees of Driver conditions and windscreen livery working group**

### **Councillors:**

Cllr A Garthwaite  
Cllr M Harland  
Cllr G Hyde  
Cllr A Khan  
Cllr C Townsley

### **Taxi and Private Hire Licensing Staff:**

Andrew White, Taxi & Private Hire Licensing Manager  
John Mulcahy, Head of Elections, Licensing & Registration  
Martino DePlacido, Operations Manager, Taxi & Private Hire Licensing  
Kate Coldwell, Service Development Officer, Taxi & Private Hire Licensing  
Alison Calvert, Management Support Officer, Taxi & Private Hire Licensing

### **Hackney Carriage Associations/Unions:**

Mike Utting, Chairman Streamline/Telecabs Hackney Carriage Association & Chairman JTC  
Ghulam Nabi, Secretary, Eurocabs Hackney Carriage Association  
Javaid Akhtar, Committee Member, City Cabs  
Paul Landau, Unite the Union  
Shaid Fazil, ICT  
Ashraf Khan, ICT  
Asgha Ali, Eurocabs Hackney Carriage Association

### **Private Hire Drivers:**

Zahid Mahmood, Leeds Private Hire Drivers Organisation/Independent Workers of Great Britain  
Ahmed Hussain, LPHDO/IWGB  
James Farrow, IWGB

### **Private Hire Operators:**

Ash, Operator, Beeston Line  
Andrew Pennock, Amber Cars  
Emma Irving, Amber Cars  
Neil McGonigle, Uber  
Tom Younger, Uber  
Latif, Operator, Speedline

### **Passenger representatives:**

Jay Anderson, Disability Hub rep  
Armineh Soorian, Disability Hub rep  
Joy Fisher, Disability Hub rep  
Maria Angelica Florez, Disability Hub rep, representing older people  
Tim McSharry, Disability Hub rep

Susan Harrington, Project Officer, West Yorkshire & York Authorities