

Report of Chief Officer, Elections and Regulatory

Report to Licensing Committee

Date: 2 October 2018

Subject: West Yorkshire Combined Authority project to harmonise taxi & private hire vehicle and driver conditions across West Yorkshire and York

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 Licensing Committee on the progress in aligning ('harmonising') taxi and private hire vehicle and driver conditions across West Yorkshire and City of York (referred to as WY&Y in this report), to improve passenger safety.
- 2 The council has made good progress in improving and maintaining the safety of the travelling public in Leeds. However, because of taxi and private hire issues which span local authority borders, we will only make further improvements if we work more closely with neighbouring authorities.
- 3 Officers from the authorities have been working on a 'harmonisation' project for approval by the chairs of the respective WY&Y Licensing Committees (or equivalents), the respective lead member or portfolio holder, and with the support of the West Yorkshire Combined Authority. In some policy areas, it is likely that the project will establish minimum standards, rather than identical policies.
- 4 The project has reached a stage where we can propose to harmonise policies on which to consult with the public and interested stakeholders. If approved, the proposed changes would align the following policies across the different authorities:
 - Convictions policy and conditions relating to the suitability of licence holders; and
 - Driver training;

Recommendations

1. That Members note the information in this report, and endorse the way forward.

2. To seek Members' support for the priority areas identified for harmonising policies and conditions, or establishing common minimum standards.
3. To seek Members' support for the consultation on the two harmonised policies during October, November and December 2018.

1 Purpose of this report

- 1.1 To inform Members of the progress of the project on vehicle and driver policy harmonisation being developed by the chairs of the six respective Licensing Committees (or equivalents), and with the support of the West Yorkshire Combined Authority (WYCA).
- 1.2 While the WYCA itself does not have responsibility for licensing, it is providing support to the WY&Y authorities who do so for their individual areas.

2 Background information

- 2.1 Since 2017, officers from the five West Yorkshire Taxi and Private Hire Licensing teams and City of York have worked on the harmonisation project, and the chairs of the Licensing Committees (or equivalents) have met every other month to check progress.
- 2.2 The focus of the WY&Y officers and members groups has been to maintain and improve passenger safety, particularly in light of the safeguarding scandals in other towns and cities in the UK. Owing to the prevalence of cross-border working, authorities cannot work in isolation. The group have agreed that the collaboration approach would be more effective if the authorities were to undertake a project to align their policies and conditions more closely, establishing minimum standards in common.
 - CCTV in vehicles;
 - Convictions policy;
 - Vehicle specifications;
 - Driver training;
 - Information sharing between authorities; and
 - Effective cross-border enforcement.
- 2.3 This subject was last reported to Licensing Committee in May 2017, so an update in progress is timely.

3 Main issues

- 3.1 The West Yorkshire & York (WY&Y) group has identified six policy and enforcement areas where the authorities could or should align their approach to improve and maintain public safety. The table below summarises the six areas,

indicates the progress to date, and opportunities for aligning better the relevant policies and conditions.

	Opportunities for harmonisation
CCTV in vehicles	<p>Some WY&Y authorities (including Leeds) currently promote or subsidise (Leeds pays 50%) CCTV in vehicles, providing installation meets council standards. No WY&Y authorities have made CCTV in vehicles mandatory, although 9 authorities, including Rotherham, have done so. Rotherham have found some challenges with CCTV installation companies maintaining equipment in vehicles.</p> <p>Taxi and private hire trade is broadly supportive of CCTV – reduces insurance premiums, reduces bad behaviour, but does come at a cost. Leeds no longer has any local suppliers who can fit and maintain CCTV which meet our standards.</p> <p>Significant data protection implications for authorities as data controllers under GDPR.</p> <p>There is an opportunity to engage and consult with the trade across WY&Y, and to promote common, simple rules for CCTV, and a common list of approved installers.</p>
Convictions policy	<p>Some WY&Y authorities (including Leeds) currently have a convictions policy in place, providing guidance to officers/members making decisions about whether to give licences to people who have convictions.</p> <p>Trade is critical that Leeds has a strong line on convictions, but drivers with convictions and refused by Leeds often get licenses to work from other authorities.</p> <p>Recent guidance issued from Local Government Association (LGA) (August 2017) and Institute of Licensing (May 2018). Links to this guidance in section 7.</p> <p>There is an opportunity for all WY&Y authorities to adopt the same convictions and suitability policies, see sections 3.2-3.4.</p>
Vehicle specifications	<p>All WY&Y authorities currently have conditions on vehicle livery, to clearly indicate vehicles as taxis or private hire, although Wakefield does not require door livery. Some authorities allow vehicles to have livery for more than one private hire operator.</p> <p>WY&Y authorities have different conditions on the type of vehicles which would be licensed, age of vehicles, size of engine, fuel type or level of vehicle emissions, and on the scheme of vehicle inspection.</p> <p>Leeds is working towards a Clean Air Zone (CAZ), and will review conditions to encourage hybrid and LPG, provide exemptions from CAZ for wheelchair accessible vehicles and larger 8-9 seater vehicles. Other councils do not face these challenges.</p> <p>Significant differences remain, and the focus going forward could be on common minimum standards. Opportunity to clarify which vehicles would be licensed. Leeds has specific public health priorities about electric, hybrid, LPG and other low emission vehicles which do not necessarily apply across the region.</p>
Driver training	<p>WY&Y authorities provide driver training differently. York does not provide safeguarding training. Bradford does not require literacy and numeracy training.</p> <p>The trade is critical that drivers often have a wait of 6-8 weeks to get on a Leeds training course. Trade is critical that authorities have different driver training, not transferable from one authority to another.</p> <p>Trade is critical of training provided by 3rd party training companies, who have been perceived to charge applicants for training, but do not apply high quality standards.</p> <p>Opportunity for all WY&Y authorities to design a common training curriculum and testing approach, irrespective of who delivers the training, see sections 3.5-3.7.</p>
Information sharing	<p>The original intention was to develop information sharing protocols between WY&Y authorities about drivers, vehicles and operators who posed a risk. An LGA/ National Anti</p>

	Opportunities for harmonisation
between authorities	<p>Fraud Network project is establishing a voluntary database for councils to share brief details of refused and revoked (but not suspended) licences. A link to this project is provided in section 7.</p> <p>Trade is critical of drivers and operators who work routinely across borders to exploit loopholes. GDPR requires all authorities to be explicit about how they plan to share information.</p> <p>Opportunity for all WY&Y authorities to work to common standards about information sharing, fair processing information to applicants and licence holders who are renewing licences.</p>
Effective cross-border enforcement	<p>All WY&Y authorities have revised their policies and conditions to allow authorised officers from WY&Y authorities to inspect vehicles and check drivers licensed in WY&Y authorities as they would do for vehicles and drivers licensed in their own district.</p> <p>WY&Y authorities have issued staff badges, ticket books, staff training to ensure clear and consistent approach across WY&Y. Some fine tuning required to ensure that processes are in place to un-suspend vehicles when suspended by neighbouring WY&Y authority. Leeds enforcement officers currently work alongside W Yorkshire Police officers on weekend evenings.</p> <p>Trade are currently very critical of local authorities' inability to enforce effectively vehicles working in a district, but licensed elsewhere.</p> <p>Common cross-border enforcement approach developed and in place, but significant differences in enforcement capacity remain. There is an opportunity for all WY&Y authorities to enforce on some criteria any vehicle licensed in WY&Y when their officers identify that vehicle.</p>

Draft convictions and suitability policy

- 3.2 The six WY&Y authorities have reviewed the different convictions policies in place in the different authorities. The authorities have also reviewed the suggested Convictions Policy template developed by the Local Government Association, and the proposed Guidance on Suitability of Applicants developed by the Institute of Licensing (links to both documents are provided in section 7).
- 3.3 The draft WY&Y Convictions and suitability policy is attached at **Appendix 1**. It details the types of issues, including crime arrests, cautions and convictions and driving convictions, that form part of the “fit & proper” test to help councils assess the potential risk to the public. The policy includes a table which indicates the length of time which would normally be required to have elapsed between a conviction and an individual being granted a licence, at initial application, at the date of arrest, caution or conviction, or at the date of renewal of an existing licence.
- 3.4 The proposed criteria would strengthen the policy currently in place, with a longer period when a licence would normally be granted for the following offences.

Offence	Period elapsed under existing policy	Period elapsed under existing policy
Death or serious injury	> 10 years	Refuse indefinitely
Exploitation	Refuse indefinitely	Refuse indefinitely
Violence	8 years	10 years
Possession of a weapon	Not exact comparison	7 years
Sex/indecency	Refuse indefinitely	Refuse indefinitely
Dishonesty	5 years	7 years
Drugs supply	9 years	10 years
Drugs use	5 years	5 years
Discrimination	Not exact comparison	7 years
Drink/drug driving	Not exact comparison	7 years
Driving + phone	Not exact comparison	5 years
Minor traffic offences > 6 points	Not exact comparison	5 years
Major traffic offences	Not exact comparison	7 years
Taxi and private hire offences	Not exact comparison (1 year for 1 st , 3 years for 2 nd offence)	7 years
Vehicle use offences	Not exact comparison	7 years

Driver training

- 3.5 The six WY&Y authorities have reviewed driver training and assessment approaches in the different authorities.
- 3.6 The draft Driver training policy is attached at **Appendix 2**. It details the outline requirements and methods of assessment for each suggested aspect of driver training, including disability awareness training, which was recommended by the Department of Transport in their Integrated Transport Strategy (link to document is provided in section 7). The policy is summarised in the table below.

Module	Method of assessment
Advanced Taxi Driving Test	Practical Assessment (any providers recognised by each WY&Y authority will be acceptable)
An English Test	Practical Assessment, which may also include a test
Local Knowledge Test	Requirement to achieve a pass rate (will have questions specific to each area and cannot be transferred)
Regulatory Framework of the Private Hire Industry and Test	Requirement to achieve a pass rate (these questions will be the same for all authorities)
Professional Standards Training and Test	Requirement to achieve a pass rate (these questions will be the same for all authorities)
Safeguarding Training and Test	Requirement to achieve a pass rate (these questions will be the same for all authorities)
Equalities/Disability Training and Test	Requirement to achieve a pass rate (these questions will be the same for all authorities)
Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)	Practical Assessment

3.7 The proposed training would strengthen the driver training currently in place in Leeds. The training is not currently provided using these modules, but covers the majority of the curriculum. The main areas where the current training would need to be enhanced would be:

- if the English test were ESOL Entry Level 3 (rather than entry level 2);
- Safeguarding (covering adults as well as children, and test);
- Equalities/disability training (currently covered within two separate modules); and
- Refresher training (not currently required in Leeds, but in place in Bradford, whether it should include a test).

Consultation

3.8 The six WY&Y authorities plan to consult at the same time in each authority. Because the clearance and consultation arrangements are slightly different in some authorities, consultation is planned to start in November and end during December.

3.9 The responses to the consultation will be reported to Licensing Committee in February 2019.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Full consultation and engagement will take place with the public, trade, staff, passengers and representative groups. We anticipate that each of the six councils will run consultation at the same time, and co-ordinate responses.

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 may be resource implications of putting the Convictions and Suitability policy into practice, if it results in more licences being refused and more appeals. There will be resource implications if the Driver training policy is used as a specification for contracting driver training to organisations who would deliver all training and assessment.

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 proposals are aimed at reducing the risk of passengers posed by current or future licenced drivers, including especially those drivers who are not licenced by Leeds City Council, but are licenced by other authorities in WY&Y.

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.
- 5.2 The officers and members at the West Yorkshire and York licensing group have identified two policies which, if we can deliver them, will improve the safety of the travelling public. The policies focus on driver training and on convictions and suitability of people to hold a licence.

6 Recommendations

- 6.1 That Members note the information in this report, and endorse the way forward.
- 6.2 To seek Members' support for the priority areas identified for harmonising policies and conditions, or establishing common minimum standards.
- 6.3 To seek Members' support for the consultation on the two harmonised policies during October, November and December 2018.

7 Background documents

Department of Transport Integrated Transport Strategy

<https://www.gov.uk/government/publications/inclusive-transport-strategy>

Institute of Licensing guidance on suitability of applicants:

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

Local Government Association / National Anti Fraud Network information on database of refused and revoked licences: <https://www.local.gov.uk/topics/licences-regulations-and-trading-standards/new-national-register-taxi-and-private-hire>

Local Government Association Template for convictions policy:

<https://www.local.gov.uk/sites/default/files/documents/lga-example-taxi-and-priv-d6c.pdf>

Current Leeds City Council Convictions policy:

<https://www.leeds.gov.uk/docs/criminal%20convictions%20policy.pdf>

Appendices

Appendix 1 Suitability and Convictions Policy

Appendix 2 Driver Training Policy