

Report of the Taxi & Private Hire Licensing Manager

Report to the Licensing Committee

Date: 5 November 2019

Subject: Taxi and Private Hire Licensing – Update on West Yorkshire & City of York authorities’ policy harmonisation

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:		

1. Summary of main issues

Members of the Licensing Committee are asked to read and consider an update on policy harmonisation by the five West Yorkshire authorities and City of York.

Taxi and private hire vehicles have been able to work away from their licensing district because of changes in the use of technology and since deregulation of some areas of taxi and private hire licensing in 2015. Private hire vehicles licensed by other authorities (including some which do not border Leeds) are a common sight in Leeds. The report highlights that, whilst these vehicles can add to the supply of vehicles and customer convenience, there are a range of implications and possible responses for passengers, the local and regional taxi and private hire trade, licensing authorities and central government.

2 Recommendations

- 2.1 That committee members read the report and note the objectives and progress made on policy harmonisation in West Yorkshire and City of York authorities.
- 2.2 That committee members note the remaining objectives and possible future areas of co-operation and collaboration, and implications for work programme, finance and resources.

1.0 Purpose of this report

- 1.1 The purpose of this report is to update members with the details of the purpose and progress of the taxi and private hire policy harmonisation across the six authorities.
- 1.2 The six authorities developed a collaborative approach to taxi and private hire licensing and enforcement in 2016, following the Deregulation Act 2015, the rise in cross border working, and the investigation into child sexual exploitation in Rotherham.
- 1.3 The aim of the collaboration was for the authorities to work more closely together to strengthen any areas of weakness in licensing or enforcement across the region, which would place the travelling public at risk.

2.0 Background information

- 2.1 The role of the Taxi and Private Hire Licensing service has long been recognised as an important council function in ensuring that the travelling public are safe with professional drivers who have attained good standards, safe vehicles, and a dedicated enforcement team.
- 2.2 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. 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 Officer sub-delegation scheme.
- 2.4 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.
- 2.5 Owing to the prevalence of cross-border working, authorities cannot work in isolation. The West Yorkshire and City of York group 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.
- 2.6 The national trend towards local authorities being encouraged to develop minimum standards gathered momentum in the Statutory Guidance issued by Department for Transport on Taxi and Private Hire Licensing in 2018. It recommended 30 areas for improvement by local authorities.
- 2.7 This subject was last reported in detail to Licensing Committee in October 2018, so an update in progress is timely. The report presented here provides an update on the progress by the six councils on the areas proposed for taxi and private hire licensing harmonisation.

3.0 Main issues

- 3.1 The council's Taxi and Private Hire Licensing service has worked with the five other authorities on six improvement themes.

Context and purpose

- 3.2 Members will be aware that the taxi and private hire industry is rapidly changing in the UK, and no longer resembles the industry of the 1970s that legislators had in mind. 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), and the growth in use of smartphone apps enabling customers to book and pay for journeys.
- 3.3 One aspect of the policy development is the response to pressures against local licensing, and towards regional or city region collaboration and standards harmonisation. Because drivers and vehicles can work across council borders, a range of factors in neighbouring authorities (and in some cases authorities further away) can impact on those of a local licensing authority.
- 3.4 The purpose of licensing is to keep the travelling public safe. Owing to the prominence of drivers and vehicles making journeys across borders and the rise in cross-border working, in many areas of the UK, licensing authorities have chosen to work together on a regional or city region basis to take action to reduce the risk of weak links in the region allowing drivers and vehicles to work in ways which put the travelling public at risk.
- 3.5 Licensing authorities do not have the power to restrict the number of licences for private hire drivers or vehicles, unlike hackney carriage vehicles, so some authorities have seen a significant increase in the number of drivers and vehicles they licence. This is encouraged by the rise in operators who work across licensing authorities, who have encouraged their drivers to apply for a licence in authorities whose licence fees are cheaper, the length of time to get a licence is shorter and conditions are weaker.
- 3.6 The focus of the West Yorkshire and City of York authorities in 2016 was to understand and address/reduce the risk posed to vulnerable passengers by cross-border working and differences in licensing and enforcement regimes. The primary aim of the West Yorkshire and City of York authorities was to increase or strengthen the standards of some authorities to meet an agreed minimum standard, so that there was no weak licensing link in the region, which would affect passengers throughout the region because of the prevalence of cross-border journeys and cross border working. It would still be possible for an authority to have standards above the minimum, for example where local circumstances required, but all authorities would be at or above the agreed minimum standard.
- CCTV in vehicles;
 - Convictions policy;
 - Vehicle specifications;
 - Driver training;
 - Information sharing between authorities; and

- Effective cross-border enforcement.

3.7 The West Yorkshire and City of York authorities also agreed to amend the enforcement powers contained in each authority's constitution. The authorities have each amended their constitutions so that enforcement officers from each authority can take some action against vehicles and drivers licensed in any of the six authorities.

3.8 Since the West Yorkshire & York authorities started to work together in 2016, there has been a growth in authorities agreeing common or minimum standards on a regional basis, and in collaborating across licensing borders. Licensing authorities in Wales and in Northern Ireland developed common national standards in 2017, and the Department for Transport Taxi and Private Hire Licensing Task and Finish group recommended authorities consider licensing on a regional or city regional basis. In 2019, the ten authorities in Greater Manchester initiated consultation on developing common minimum licensing standards in the Manchester city region.

Progress

3.9 The licensing managers have continued to meet on a monthly basis, however, following the retirement of the chair of the Licensing Chairs, the licensing chairs have not met since before the local elections in May. A meeting of licensing chairs and managers has been arranged, in order to discuss the priorities and current progress. The group also had for 18 months the support of the input from a former assistant chief executive at two of the authorities. That input was extremely valuable, but has now ended.

3.10 The sections below provide a summary of the objective, a current position, and suggested further areas of co-operation or collaboration.

a) CCTV in vehicles

Objective – That all passengers and taxi, private hire vehicle drivers and operators feel safe by ensuring that if concerns are raised there is independent evidence to establish the accuracy of any allegations. The feasibility of implementing a voluntary or mandatory requirement to install CCTV in vehicles to be considered.

Update – Under way. An initial discussion was held in 2018 with a colleague from Rotherham who attended the Licensing Managers meeting to discuss their experience when implementing this licensing condition. A licensing manager workshop took place in March 2019 to discuss many of the practical, financial, resource, data protection, information management and any other issues that would need to be addressed if the six authorities were to implement a requirement for CCTV in vehicles. Leeds has begun a working group, which has also heard evidence from a colleague at Wakefield and a supplier who also supplies other authorities in the region.

b) Convictions/Suitability Policy

Objective – That individuals with relevant criminal convictions are not licensed in the West Yorkshire and York area. That there is no benefit in seeking to be licensed in one authority and work in a different authority.

Update – Under way. Following approval at Leeds City Council's Executive Board in October 2019, all six authorities have now agreed to implement very similar

Suitability and Convictions policies, based on that developed by the Institute of Licensing, Lawyers for Local Government, National Association of Licensing and Enforcement Officers. The guidance takes a tough position in respect of these issues and the tariffs (i.e. the periods suggested that must expire before a licence should be granted) are high.

Five authorities consulted between November 2018 and January 2019, and developed a policy which departed from the national policy guidance. Bradford City Council did not undertake consultation, but engaged with the local licensed trade, and its February 2019 Regulatory Committee in January 2019 planned to adopt the policy for new applicants, but amended paragraph 17 to state would not apply it at renewal. Calderdale, Kirklees, Wakefield and York adopted the new policy between May and September 2019. Leeds adopted the policy, with a number of additions in October 2019.

The challenging issue in relation to the implementation of this policy will be its application to existing drivers who have previously been deemed “fit and proper”. At the moment it is the intention of the five authorities to apply the policy to existing drivers on renewal and, if appropriate, to refuse to renew based on the new tougher policy if that driver presents a risk to passenger safety as per the new national guidance. The use of exceptional circumstances by authorities in individual cases will be reviewed by the managers collectively at their future meetings to ensure they are applied consistently and to identify issues which indicate that the policy might need some amendment for greater clarity.

The council agreed as one of its recommendations to allow further amendments to the policy to align it with that adopted by the other authorities.

c) Vehicle Comfort and Passenger Safety.

Objective – That vehicles used to provide taxi and private hire services are safe across the area, by ensuring that there is consistency in those elements of the Vehicle Specification that relate to comfort and passenger safety in each Licensing Authority.

Update – Under way, but more work required. Significant work has been undertaken to identify those elements in each of the six authority vehicle specifications which relate to safety and passenger comfort including the vehicle testing regimes and to assess the feasibility of harmonising them. After extensive discussion and debate it became clear that there were significant practical, financial and other resource implications for some of the authorities in moving to a more consistent approach to the vehicle specification and testing regimes which had an impact on the project timeline and on achieving the other elements of the project. This issue was reported to the Licensing Chairs at their meeting on 31st August 2018. At that meeting it was agreed to amend the scope of the project to remove the objective to harmonise the vehicle specifications and testing regimes and to include the production of a report identifying the areas where harmonisation was achievable in the short term and those areas where this was more challenging.

d) Driver Training

Objective – That all drivers in the area meet the “fit and proper” test by harmonising the training requirement in each of the six authorities to ensure that all drivers are trained to the same minimum standard across the area.

Update – Under way. A draft policy was agreed across the area to include requirements to undertake training in a range of areas including tests as necessary (for example, an English Test). Five of the six authorities agreed to go out to consultation on the draft policy. The consultation exercises concluded in January 2019. The responses have been considered collectively and appropriate amendments made. The final policy were considered by the five Councils between March and July 2019 for adoption for new drivers on 1 September 2019 and for drivers on renewal from a date to be determined in 2020.

- Advanced driver training
- Literacy test
- Local knowledge course and test
- Regulatory framework course and test
- Professional standards course and test
- Safeguarding course and test
- Equalities/Disability course and test
- Practical Wheelchair Course

The six authorities are working on a common curriculum and method of assessment for the driver training. Bradford has also given a commitment to review their training against the standards introduced in the other five authorities to ensure consistency as far as possible, including the proposal to include a formal English test.

e) Information Sharing

Objective – That individuals who do not meet the legal requirements to provide a taxi or private hire service are not licensed in the area by sharing of information about drivers and service providers across the area.

Update – In place. All six authorities are regularly sharing information, such as from enforcement action, investigating complaints, and concerns about previously refused and revoked drivers. All six Authorities are expected to sign up to the new National Register (NR3) which holds information of all refusals and revocations of taxi and private hire driver licences.

Leeds has developed an NR3 policy, following guidance from legal officers and information management team, recommended for approval at its October Licensing Committee, and all six authorities are working through the practicalities of using the database and the further information which can be disclosed. It is anticipated that Licensing Managers will need advice from legal officers as the guidance issued in relation to the national database indicates that there are some significant data protection and information security issues that must be addressed in relation to the inclusion of information on the national database and the subsequent sharing of more detailed information with other Licensing Authorities in response to enquiries made as a result of an entry on the database. It is suggested that consistent procedures should be agreed across the area on how information should be included and what further information should be shared in response to a request as a result of that inclusion. This will form part of the future work programme.

f) Cross border enforcement

Objective – That all passengers are safe by ensuring that if appropriate on street checks, joint operations, information sharing and follow up activity takes place on vehicles working outside of their licensing area. That all authorities develop plans to address cross border working i) of their drivers and vehicles in other authorities, and ii) of other authorities’ drivers and vehicles working in their area.

Update – In place. All six authorities amended their constitutions to authorise enforcement officers from the other authorities to take some action against their own drivers and vehicles. This authorisation falls short of the national enforcement powers recommended in the 2018 Task and Finish group report (which specified that an enforcement officer could take full enforcement action against any licensed vehicle or driver anywhere in the UK), and does not extend to other neighbouring authorities such as Selby or Harrogate. 25 enforcement officers for all six authorities attended a full day workshop on cross border enforcement, were issued with badges and rectification books later in 2018, a shared press release was produced, and information is now routinely being exchanged between authorities. In Leeds, enforcement officers each check around 200 vehicles a year on street, of which around 10% will be out of town vehicles, and carry out joint operations with the police or other authorities at least every other month. The prevalence of regular and systematic cross border working varies across the region, as does the local enforcement capacity and shift pattern.

Possible future regional co-operation and collaboration

- 3.11 Looking forward, in the absence of changes to national powers and legislation, there are a number of areas where future co-operation on licensing policies and enforcement responses may take shape.
- 3.12 In addition to the six areas already prioritised, the Statutory Guidance on Taxi and Private Hire Vehicle Licensing: Protecting Users which was consulted upon by the Department for Transport between February and April 2019 is likely to be issued. The consultation recommended 30 areas for improvement, some of which may benefit from a regional approach, if only to reduce any research, consultation and duplication among the six authorities.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This is an update paper. No new consultation is required in order to discuss the issue of the progress of current policy harmonisation.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity /cohesion and integration.

4.3 Council Policies and City Priorities

- 4.3.1 The council’s taxi and Private Hire Licensing is in line with the following council priorities and policies.

Best Council Plan

4.3.2 The council's licensing policies contribute towards the following Best Council Plan objectives:

- Keeping people safe from harm, protecting the most vulnerable.
- Improving access to affordable, safe, and reliable connected transport for young people.

Climate Emergency

4.3.3 Taxi and Private Hire Licensing also contributes towards the following Climate Emergency priority in the Council Plan:

- Improving air quality, reducing noise and emissions.

4.3.4 Leeds City Council has both a moral and legal obligation to discharge its duty of care in respect of 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 adults at risk of harm.

5.0 Resources and Value for Money

5.1 This is a discussion report and is seeking to provide an update and suggest future priorities. It does not make any estimates or forecasts about possible changes and implications for resources and value for money, although any addition or prioritisation of work programme will have a resource implication.

5.2 The West Yorkshire and York project work benefitted from having an external (i.e. not a licensing professional) work to co-ordinate and review the group's work, and a legally qualified former local authority executive, who could also feed in to the West Yorkshire local authority legal officer group. This resource has been lost to the group, and the group would benefit from similar type of support in future.

6. Legal Implications, Access to Information and Call In

6.1 One option open to the Licensing Chairs is for the six authorities to pursue a more formal collaboration agreement, setting out expectations and resource implications of working more closely. This will involve input from legal officers in each authority.

7. Risk Management

7.1 The council has a taxi and private hire risk on its risk register relating to the risk of harm coming to a person in Leeds using a taxi or private hire vehicle not licensed by Leeds City Council. The council is the responsible organisation for regulating the taxi and private hire industry so that people in Leeds using taxi and private hire vehicles are safe and feel safe, irrespective of where they are licensed. The current assessment of the control of the risk is 'Good', but it is unlikely that the assessment would be more positive until national licensing and enforcement powers and IT systems are in place.

- 7.2 The council may identify further actions to address the risk. However, reducing the number of out of town vehicles which are checked on street is very unlikely to be considered as an option. Any additional actions to co-operate or collaborate on a regional or partnership basis should not be prioritised at the expense of actions taken to address the risk of harm coming to a passenger in a taxi or private hire vehicle in Leeds.

8. Conclusion

- 8.1 UK Licensing authorities are increasingly working together to respond to cross-border working, collaborate on information sharing and enforcement. The report has shown that West Yorkshire and City of York licensing authorities have been working more closely together on a number of harmonised licensing, enforcement and information sharing areas. In particular, the six authorities have developed common minimum standards on driver training and suitability/convictions, giving a degree of confidence that people not fit and proper or unable to meet the required standard will not be licensed anywhere in the region.
- 8.2 The report has also drawn attention to the areas identified as a priority where work is either underway, or slower progress being made, and sought the views of licensing committee members to the future regional co-operation and collaboration.

9. Recommendations

- 9.1 That committee members read the report and note the objectives and progress made on policy harmonisation in West Yorkshire and City of York authorities.
- 9.2 That committee members note the remaining objectives and possible future areas of co-operation and collaboration, and implications for work programme, finance and resources.

Additional documents:

Urban Transport Group: Taxi! Issues and options for city region taxi and private hire vehicle policy (2017) http://www.urbantransportgroup.org/system/files/general-docs/UTG%20Taxi%20Report_FINALforweb.pdf

Department for Transport Taxi and Private Hire Vehicle Licensing Task and Finish Group : Steps towards a safer and more robust system (2018) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745516/taxi-and-phv-working-group-report.pdf

Department for Transport Taxi and Private Hire Vehicle Licensing: Protecting Users (2019) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf

Department for Transport Taxi and Private Hire Statistics for England 2019 (2019) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833569/taxi-and-phv-england-2019.pdf