

Report of Taxi & Private Hire Licensing Manager

Report to Licensing Committee

Date: 2 November 2021

Subject: Taxi & Private Hire Licensing – West Yorkshire & York harmonisation

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 checked="" type="checkbox"/> Yes	<input 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 presents to committee members a summary of progress by the council and neighbouring councils on aligning taxi and private hire policies and practice to improve passenger safety.
- 2 The six 'West Yorkshire and York' councils have endeavoured to align policies and practice to reduce the risk of one regulatory weakness in the region impacting adversely on passenger safety in other authorities, given the prevalence of drivers, vehicles and operators working across local authority borders.
- 3 The report is prepared to facilitate Committee discussion of the six previously identified areas of policy and practice, to determine whether they remain the right areas, or the regional work programme and project resources should be reviewed and realigned to address post Covid and post lockdown risks and issues.

Recommendations

1. That committee members note the purpose and content of the information in this report, and nominate priorities for discussion with the West Yorkshire and York councils.

1 Purpose of this report

- 1.1 To inform committee members of the scope and intention of the West Yorkshire and York (WY&Y) taxi and private hire policy harmonisation.
- 1.2 To inform members of the progress made against the six policy and practice areas identified.
- 1.3 To assist discussion about how the council and neighbouring authorities could work together to address risks and issues post Covid and lockdown.

2 Background information

The purpose of taxi and private hire licensing

- 2.1 The purpose of the council as a licensing authority is to keep the travelling public safe. The increase in drivers and vehicles making journeys across borders, and the rise in cross-border working revealed inconsistencies in standards creating weak links in the region allowing drivers and vehicles to work in ways which put the travelling public at risk. It remains the council's responsibility to develop, review and update taxi and private hire licensing policies and practice to this end, i.e. public and passenger safety. However, 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 harm to their travelling public.
- 2.2 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 enabled by the rise in number and scope of operators who work across licensing authorities, some of whom 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 standard conditions are weaker. Smartphone apps and operators can permit their drivers and vehicles to work regularly, even predominantly outside of their licensing district. Licensing authorities can licence operators, drivers and vehicles who intend to work regularly or predominantly outside of their licensing district.
- 2.3 The council has worked together with neighbouring councils on areas of risk to the public for four years. This marked a significant change from the tradition where each licensing authority would develop its own policies in isolation, resulting in policies which were sometimes very different from those in a neighbouring council. The Department for Transport has also in 2020 issued a set of guidance (statutory guidance) which every licensing authority is required to have regard for when developing, reviewing and updating policies and practice. In particular, it recommends authorities communicate regularly on taxi and private hire issues between neighbouring authorities, consider the impact of potential changes on neighbouring authorities when consulting, and jointly authorise enforcement officers from neighbouring authorities.

The impact of Covid on taxi and private hire trade

- 2.4 The taxi and private hire trade fulfils an important transport function in Leeds. We know that people with a disability or mobility need are three times more likely to travel by taxi or private hire. People at risk of harm, particularly children, disabled or people with a mobility need and older people are also likely to travel to and from school or health appointments by taxi or private hire.
- 2.5 In a pre pandemic year, we estimate more than 30 million journeys are made by taxis and private hire vehicles in Leeds. We want these services to continue, safely during the Covid pandemic, and to be available to all of us when the restrictions and social distancing end completely. Many destinations in Leeds, particularly the city centre night time economy, the sport and entertainment venues, the universities and the airport, have a regional, even national pull, drawing visitors from near and far.
- 2.6 The lockdown significantly reduced demand for taxis and private hire, notably in travel to and from places of work, railway stations, daytime shopping, and the night time economy. This in turn affected the earnings of taxi and private hire drivers and operators (although Leeds City Council has funded free driver and vehicle licences during 2021-22). As the taxi and private hire trade recover from lockdown and loss of earnings, it is likely that the structure of the trade will have changed – some smaller private hire operators will have gone out of business or been merged with larger operators, some hackney carriage and private hire drivers and vehicles will have left the trade, and new entrants seeking to take their place.

3 Main issues

- 3.1 The six West Yorkshire and York councils (WY&Y) (Bradford, Calderdale, Leeds, Kirklees, Wakefield and York) agreed to work together in order to identify and tackle the major public safety risks caused by the drivers and vehicles from one authority working regularly in another authority boundary. In particular, the authorities wanted to strengthen cross-council information sharing and investigation work on licence holders who were believed to pose a risk, and to reduce the incentive and benefit for “licence shopping”, that is – being licenced in one area to avoid the more demanding licensing and enforcement practice in another area.
- 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 focus of the WY&Y councils was to understand and address/reduce the risk posed to vulnerable passengers by cross-border working and differences in licensing and enforcement regimes, especially after the lessons learn from some less robust licensing regimes, such as Rotherham. The primary aim of the WY&Y 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 frequency 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 adopt standards at or above the agreed minimum standard.

3.5 The six councils identified six areas where they could work to improve passenger safety in the region.

- CCTV in vehicles – to discourage and detect inappropriate behaviour by any person in a taxi or private hire vehicle;
- Convictions (now called Suitability) – to take steps so that an individual with convictions and allegations against them couldn't move from being licensed by one licensing authority and moving to another without being properly checked;
- Driver training – to develop common training policies and assessment methods and standards;
- Enforcement capacity and practice – to strengthen on street enforcement and equip enforcement teams with the means to take or initiate enforcement action on drivers and vehicles licensed in other licensing authorities;
- Information sharing – to improve information sharing about licence holders who are believed to pose a risk to passengers across the region; and
- Vehicle conditions – to improve vehicle condition standards so that a weak policy in one authority does not pose risks across the region.

3.6 The six local authorities have all implemented driver training policies, information sharing and suitability policies, and delivered cross-border enforcement powers and staff training. However, there remain still outstanding areas of policy development, discussion and consultation, considered in more detail in following paragraphs.

CCTV in vehicles – policy not in place across WY&Y

3.7 **Benefit:** The benefits of widespread but voluntary CCTV in taxi and private hire vehicles has been discussed in many authorities. Well installed, properly maintained and advertised CCTV equipment can help to improve the perception and experience, deter poor behaviour, and assist investigation of complaints and allegations.

3.8 **Progress:** Leeds set up a working group before the Covid lockdown, drawing on input from the taxi and private hire trade, CCTV technical experts and GDPR professionals, and developed a draft CCTV policy for future consultation, setting out the standards required of CCTV equipment, and matters such as how requests to view CCTV footage would be handled, information sharing with the

police. The WY&Y group could in future months align their consultation schedules to carry out consultation and use the standards.

- 3.9 **Barriers/Gaps:** while there is widespread support for CCTV in vehicles, the equipment is not cheap, at over £500 for the models approved so far in Leeds. There are also further costs and opportunity costs linked to the likely increase in requests for CCTV footage to be examined, most likely to draw resources from enforcement teams.

Convictions/Suitability – policies in place across WY&Y

- 3.10 **Benefit:** The benefits of a common approach to suitability criteria used to assess granting and refusal of a licence is comparatively easy to understand, and the risk posed by previously vague wording or inconsistent application of policies allow an individual who is not considered safe and suitable to hold a licence in one authority to obtain a licence in another.
- 3.11 **Progress:** Leeds had previously developed a detailed convictions policy in 2013. The Institute for Licensing, Lawyers for Local Government and other bodies developed and consulted on a suitability policy which they encouraged all licensing authorities to adopt. The WY&Y authorities engaged or consulted on the same policy, which has subsequently been implemented in each authority, with minor changes. Leeds has added in a second category of lesser violent crime, and has also delayed implementation of the criteria relating to minor motoring convictions, with an amended standard, currently subject to public consultation until mid-November 2021.
- 3.12 **Barriers/Gaps:** all councils are required under the DfT statutory guidance to report on licensing decisions made under the suitability process, and to learn lessons from perceived differences in implementation. The hearing of appeals in magistrates courts against decisions to refuse or revoke has been affected by Covid, but court sittings are now resuming. It is possible that there will be learning points for all six from appeals against revocations, and that suitability policies may be reviewed and updated.

Driver training – policies in place across WY&Y

- 3.12 **Benefit:** The benefits of a common approach to driver training and assessment across the region are considerable. Shared minimum standards would reduce the incentive for applicants to apply for a licence with the authority that requires the easiest training and assessment standards.
- 3.13 **Progress:** All six authorities consulted in 2018-19 and implemented a common driver training policy, identifying the same modular training programme. This standard is therefore achieved.
- 3.14 **Barriers/Gaps:** the delivery of training and conducting assessments is one of the areas of activity most affected by Covid. Leeds is resuming assessment of more than 40 applicants partway through their application process, and their testing will

be carried out in smaller groups, to support social distancing precautions, so more sessions will be required than previously. Training of new applicants will follow, but will be likely to require more training and assessment capacity than previously, until Covid social distancing guidance is removed completely. The six authorities also agreed to deliver regular refresher training, which would need to be clarified and resourced.

Enforcement – guidance and training in place across WY&Y

- 3.15 **Benefit:** Effective regulation of standards is only possible when policies are supported by effective enforcement. The benefits to public safety of having an active, visible and engaged enforcement capability which balances its time between on street patrols, joint operations with other councils and agencies and pursuing investigations and mystery shopping is without question.
- 3.16 **Progress:** All six authorities amended their constitutions in 2016 to allow authorised officers from neighbouring authorities to take some enforcement action within their boundary, and lines of communication established between enforcement teams. Training and supporting materials, including plans for regular (e.g. monthly) joint operations were developed in 2018.
- 3.17 **Barriers/Gaps:** Leeds' on street enforcement was limited to officers remaining in a patrol vehicle or observing on CCTV early in Covid lockdown, but resumed in September 2020. A joint operation in York in July 2021 highlighted the benefit to public safety enforcement brings, with more than half of vehicles inspected having faults which required remedy. Following a recent recruitment, Leeds will return to a full complement of 2 Principal Enforcement Officers and 8 Enforcement Officers in November 2021.

Information sharing – in place via NR3 and local intelligence

- 3.18 **Benefit:** There is a clear benefit of prompt and accurate information sharing, e.g. about drivers, vehicles or operators, to help licensing authorities to keep pace with drivers, vehicles and operators working across local authority boundaries.
- 3.19 **Progress:** All six authorities have signed up to the national database of revoked and refused licences (known as NR3), enabling all to be sighted on cross regional refusals and revocations. The authorities also continue to share information under established data sharing agreements on active and suspended drivers/vehicles, especially where it is believed that unlicensed drivers or vehicles are working “under the radar” in a neighbouring authority.
- 3.20 **Barriers/Gaps:** All authorities have committed to working through historic refusals and revocations and sharing with NR3, but the pandemic and other competing priorities has delayed the background checks of archived information.

Vehicle conditions – major differences remain across WY&Y

- 3.21 **Benefit:** As with driver standards, it is clear that lower vehicle standards in one licensing authority area would affect the safety of passengers across the whole region. Higher vehicle standards across the region would improve passenger comfort and reduce the risk of harm to passengers caused by inappropriate vehicles and poorly maintained and repaired vehicles.
- 3.22 **Progress:** The six authorities have found vehicle standards and conditions more difficult to align and level upwards. There is a perception that Leeds vehicle standards are so high as to reduce the scope for harmonisation in the six authorities.
- 3.23 **Barriers/Gaps:** There are a number of areas where vehicle conditions and standards differ, including the type of vehicle (especially vehicles' height from the road or kerb, or with a 3rd row of seats, vehicles previously written off, vehicles with high levels of window tints in the rear windows), and spare wheels in vehicles not manufactured with full spare wheels. Significantly more work will be required to make progress on these areas.

Identifying statutory guidance, post-Covid priorities, and capacity

- 3.24 It is the council's intention for the Chair of Licensing Committee and the Executive Member with responsibility for Resourcing to engage their peers in the other authorities to seek their views on regional collaboration and its focus on passenger safety.
- 3.25 It is possible that the six authorities will continue with the themes largely as they are currently; however, there are 30 areas of compliance/improvement identified in the DfT guidance, and there may also be new areas of risk or concern identified as a result of the pandemic, lockdown and reduced earnings.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The WY&Y work programme has been accompanied by consultation and engagement in each of the authorities, usually carried out at the same time, including engagement or consultation, e.g. with taxi and private hire licensing stakeholders, licence holders, or their representatives.
- 4.1.2 It is anticipated that the six authorities will continue to consult at the same time and using the same questions on areas of mutual interest.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed by Licensing Committee, consultation and policy changes made under the scheme of sub delegation.

4.3 Council policies and City Priorities

4.3.1 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 adults at risk:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and adults at risk 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.

4.4 Resources and value for money

4.4.1 The Taxi and Private Hire Licensing service is currently 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, administering and enforcing licences.

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.

- 4.4.3 It is likely that an increase in collaborative, co-ordination or regional development or project work would require some additional resources. However, that would have to be balanced against the six authorities carrying out some of the work separately and duplicating activities.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 there are no legal implications arising from this report.

4.6 Risk Management

- 4.6.1 The focus of the council's taxi and private hire licensing policies and arrangements is to reduce the risk posed by licence holders to the travelling public, and to increase the confidence of the public in Leeds and in the wider region that their taxi and private hire drivers can be trusted to carry them safely and professionally.

5 Conclusions

- 5.1 The report has advised committee members of the purpose, progress, and challenges on six areas of taxi and private hire licensing policy and practice being developed and carried out by the six WY&Y authorities with a view to aligning policies and practice to improve passenger safety.
- 5.2 The report has shown how the six 'West Yorkshire and York' councils have reviewed and updated policies and practice to reduce the risk of one weakness in the region impacting adversely on passenger safety in other authorities, and responded to national developments in taxi and private hire policy and practice. The authorities are regulating taxi and private hire trades strongly affected by Covid pandemic and reduced travel and economic activity.
- 5.3 The report has discussed the areas of progress – some good progress on driver training, suitability and information sharing. However, some gaps remain and some distance between authorities on CCTV, enforcement, and vehicle conditions. The report has suggested areas where the council could discuss at committee and then raise with the neighbouring councils whether the six identified areas of policy and practice are the right areas. As a result of the WY&Y discussion, a regional work programme and project resources should be reviewed and realigned to address post Covid and post lockdown risks and issues.

6 Recommendations

- 6.1 That committee members note the purpose and content of the information in this report, and nominate priorities for discussion with the West Yorkshire and York councils.

Background documents

September 2019 Report to Licensing Committee – Proposed Suitability Policy

<https://democracy.leeds.gov.uk/documents/g9677/Public%20reports%20pack%2003rd-Sep-2019%2011.00%20Licensing%20Committee.pdf?T=10>

November 2019 Report to Licensing Committee– Update on West Yorkshire & City of York authorities' policy harmonisation

<https://democracy.leeds.gov.uk/documents/g9679/Public%20reports%20pack%2005th-Nov-2019%2010.30%20Licensing%20Committee.pdf?T=10>

January 2021 Report to Licensing Committee - Leeds City Council assessment against Statutory Guidance from the Department of Transport

<https://democracy.leeds.gov.uk/documents/g10275/Public%20reports%20pack%2026th-Jan-2021%2010.00%20Licensing%20Committee.pdf?T=10>