

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. *(Page 160)*

Leeds is a large licensing district with in excess of 500 hackney carriages and 3500 private hire vehicles. The city centre (both in terms of the transport hubs and the night time economy) act as 'honey pots' for the hackney carriage trade. A move to a one tier system would have significant effects as all those allowed to ply for hire would be drawn to the centre. This would have a negative effect on our transport infrastructure as well as reducing the provisions available in the district towns and villages and the suburbs, That would also affect the supply of suitable vehicles for certain disadvantaged groups such as those with disabilities and those with low income (who are proportionately higher users of private hire vehicles) and for contracted work for schools and social services.

Accommodating a one tier system in Leeds would require the introduction of zoning and potentially a range of other control measures to attempt to mitigate the problems.

In Leeds we have already seen the impact that greater numbers of hackney carriage vehicles in the city centre can bring following the switch of contracts at the Leeds Bradford International Airport from hackney carriage to private hire provision. The subsequent influx of hackney carriage vehicles into the city centre caused significant traffic problems including congestion and delays to public transport.

In common with many cities there is significant pressure on kerb space within Leeds city centre and the designated public transport box has very little scope to increase ranking facilities. It is imperative that the transport box flows freely and allows scheduled bus services to operate to prescribed timetables. An increase in permitted vehicles into the transport box would severely disrupt public transport services. Therefore the careful regulation and management of taxi provision is an important consideration for the wide operation of the transport system. Decisions on taxi management and regulation therefore have a direct impact on other transport services available to the public, especially access and reliability of bus services.

The volume of hackney carriage traffic also has significant bearing on their use of bus lanes in the city which is now being rolled out. Any significant changes to the numbers of vehicles affects the Council's ability to manage these lanes to be benefit of bus users and passengers which makes the ability to manage numbers an important control in the effective management of road capacity.

The congestion and environmental problems and the impact on consumer choice and affordability would outweigh any advantages that a one tier system might be perceived as bringing.

REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. *(Page 162)*

In principle Leeds City Council agrees with this proposal but would not want to see national policy and guidance decisions led by London specific issues.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. *(Page 164)*

Leeds City Council strongly believes that all types of vehicle should be covered by revised Licensing legislation. Any exclusions should be clear on the face of the legislation and expressed in modern and unequivocal language. Different types of vehicles could be accommodated by differing minimum national standards.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? *(Page 164)*

It is felt that the activity is the determining feature; e.g. carrying passengers and not how they are carried. Even 'vehicles' that do not require a DVLA licence have usually to interact with the transport network and the importance of driver/rider behaviour and skill should not be set aside in this way.

Leeds City Council believed all of the types picked up in the response to provisional proposal 3 adequately rule out this approach.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. *(Page 165)*

There should be a clear distinction between a public service vehicle, a hackney carriage vehicle and private hire vehicle with clear national minimum standards.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. *(Page 166)*

Leeds City Council supports this proposal. Where new innovation is judged against such archaic language the result is that innovation can either be stifled or deemed to be outside it so that provision is uncontrolled and unmanaged as has been the case outside and within London with pedicab type vehicles. All exclusions should be clear, unequivocal and expressed in modern terminology.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. *(Page 167)*

In Leeds City Council's experience, the existing framework and working practices have proven to be extremely difficult to work with. Leeds has in place proportionate safety checks for hackney carriage and private hire drivers and vehicles, but it is clear that the Traffic Commissioners are facing resourcing difficulties which makes it extremely difficult for them to commit to enforcements in this area. It is the case that a group of 12 year old children can be driven around in such a vehicle, unaccompanied by an adult by a driver who has not undergone a CRB check.

Leeds City Council recommends that locally booked stretched limousines, drivers and operators fall within the control of the local Authority within a distinct category. It is the Local Authorities who have the expertise in this area of public transport and the will and resources to carry out the responsibilities.

Provisional proposal 8

The concept of "in the course of a business of carrying passengers" should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. *(Page 168)*

Leeds City Council feels that a distinction of "service volunteer" would be more easily understood than a definition of "ancillary services." In all respects clear guidance and distinction between all vehicle types would be required.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? *(Page 170)*

Leeds City Council believes that both types of vehicle should be excluded unless they are operating for gain or reward.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. *(Page 171)*

Leeds City Council agrees with this proposal provided that there is full and timely consultation.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. *(Page 172)*

If the total sum of their work is limited to that distinct event and time scaled not to skip into what is essentially a transport service during the hours after the event then Leeds City Council would be satisfied it remained as is.

But to remove all doubt it could very easily be accommodated within a simplified licensing category with proportionate conditions made for the category.

Leeds City Council thinks this needs some simple clarity about the limitations. Then it is either 'in' or 'out' of a licensing framework.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers' exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?

(Page 174)

Leeds City Council believes that the contract exemption should not be reintroduced, although we accept that the current situation is far from ideal. A new and much clearer Licensing framework should eliminate the need for any contract exemptions.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. *(Page 175)*

Leeds City Council believes that it is not the “streets” that is important in these circumstances, but the definition of the type of vehicle and how it should be hailed/booked is the primary concern.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? *(Page 177)*

Yes, Leeds City Council believes there is a case for special provision in order to maximise competition and consumer choice.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

- (a) references to ranking and hailing;
- (b) a non-exhaustive list of factors indicating plying for hire; and
- (c) appropriate accommodation of the legitimate activities of private hire vehicles. *(Page 181)*

Leeds City Council agrees with this proposal. However we note that many of the difficulties have arisen over time and therefore any list of factors should be reviewed regularly and perhaps with the ability to change the list through delegated powers.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. *(Page 181)*

Leeds City Council agrees with this proposal although believes that technological means should only be used to facilitate pre booking.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?
(Page 182)

The distinctions between public hire and private hire should remain based on the hail and rank principle in a two tier system. It is whether the journey is pre-booked that matters not where the arrangement is made that should matter.

Leeds City Council opposes this.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Leeds City Council wholly supports this view.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Wholly supported by Leeds City Council.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.
(Page 184)

Leeds City Council disagrees with this proposal. Licensed vehicles should only be driven by a licensed driver whatever the circumstances as public safety clearly out-weighs family convenience. It is important that drivers of licensed vehicles and other drivers are clearly differentiated and it would prove difficult to enforce if private drivers are found driving licensed vehicles. We already have examples of licensed drivers claiming the journeys are for families or friends when enforcing plying for hire allegations. This would be compounded if the drivers were family members as we would have to prove that the journey was not for leisure or none professional use.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.
(Page 185)

Leeds City Council agrees with this proposal.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.
(Page 185)

Leeds City Council also considers that the term ‘Private Hire’ is a difficult concept for the public and wonder nationally if there would be an easier recognition of the term ‘mini-cab’.

This could be a distinct benefit to the trade.

Leeds City Council agrees with this proposal.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

There should be a clear distinction between the services at all times and a re-branding might help.

There should be no reference at all to the term ‘taxi’ when the main business is private hire.

Again a more recognisable name distinguishing between taxi and private hire might have business advantages for both sides of the market.

A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. *(Page 188)*

Leeds City Council agrees that national minimum standards for drivers and vehicles should be established.

However, Leeds City Council disagrees that National standards should be maximum for private hire vehicles and not allow for any extra local conditions to be added which are specific concerns for that Licensing Authority. We strongly believe that the standard conditions in Leeds are good and would not want to lose these conditions as they may compromise public safety.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. *(Page 189)*

The proposal explained at 15.10 is accepted.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

Leeds City Council would strongly oppose the removal of the authority of the Council's Elected members to impose those additional conditions benefiting the safety and quality of service and the expectations of the citizens of Leeds.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. *(Page 190)*

We feel that significantly undermines areas of service and safety which might be different between Local Authorities. As one of the largest licensing authorities in the UK we face many challenges in a multicultural society that require very specific assessment and training needs. We strongly believe there is significant value in following the standards set in Leeds which we would not want to lose.

Leeds City Council does not accept this proposal and is strongly opposed to it.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? *(Page 190)*

Leeds City Council considers it is essential to maintain clear vehicle signage in order for the public to distinguish licensed from unlicensed vehicles. Leeds City Council are also strongly in favour of retaining other local conditions which are shown to maximise public safety. Many conditions also encourage good customer care and the supply of vehicles suitable for a diverse range of passenger needs and should be retained.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? *(Page 191)*

The major difficulty will be in setting a standard which is appropriate and not at the lowest common denominator. Leeds City Council therefore agrees in principle with National minimum safety standards, although wishes to retain the ability to enhance these standards above the minimum should the Licensing Authority deem that appropriate in response to local needs.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? *(Page 192)*

Leeds City Council believes that safety standards for drivers of Hackney Carriage and Private Hire vehicles should be the same.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should *only* cover conditions relating to safety. *(Page 192)*

Vehicle Standards should not be limited to mechanical safety issues only. An example of this is signage on vehicles licensed in Leeds which are a clear safety feature to enhance public safety so the public know they are travelling in a licensed vehicle. Other types of conditions which could be set include equality act conditions and customer care conditions such as vehicle age, inspection intervals or for the safe carriage of luggage.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. *(Page 193)*

Leeds City Council agrees that changes to standards should require a full 12 week consultation exercise. A technical advisory panel including trade, vehicle manufacturer and licensing authority vehicle examiners should be used to inform draft conditions prior to consultation.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? *(Page 193)*

Please see answer to Provisional Proposal 32.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. *(Page 193)*

There is not a one size fits all and Local Authorities must be allowed to continue to make considered and proportionate conditions to suit the citizens of their areas.

The needs of one area might be over taken by the wider needs of other areas; for example, the training requirement Leeds City Council places on the drivers of wheelchair accessible vehicles and the disability awareness training they conduct across the whole licensing field might be considered to be onerous and unnecessary in small licensing areas.

LCC strongly agrees with this approach

Question 35

Should there be statutory limits to licensing authorities' ability to set local taxi standards? *(Page 194)*

Leeds City Council agrees with proposals to set minimum National standards but does not agree with imposing any restrictions on Authorities to set additional standards in response to local needs. Councils are already sufficiently constrained by the need to act reasonably and proportionately.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? *(Page 194)*

Leeds City Council has made it quite plain in its previous answers to similarly phrased questions that not only is it desirable but it is also necessary that Local Authorities have the authority and scope to meet the Licensing needs of their districts.

This Authority would consider it inappropriate to remove the powers under the existing legislation and regard it as a significant backwards step in de-professionalising the industry.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? *(Page 195)*

The West Yorkshire Authorities have recently undertaken a significant piece of work to consider the administrative and financial benefits of centralising decision making. The cost benefits could not be proved. Centralisation of decision making and the removal of Elected Members of each Authority to influence decisions to benefit their electorate in terms of conditions and standards significantly undermined any benefits. The whole notion flies in the face of localism. Taking decision making away from the local communities who are most affected is not a proposition Leeds City Council would sign up to.

This Authority however, recognises that there should be improved working relationships between the local authorities and the impetus to achieve that cannot rely on goodwill alone.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. *(Page 196)*

Leeds City Council believes an Authority should be able to do this if this is appropriate for local needs.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. *(Page 196)*

In a market such as Leeds where Proprietor's licences are regulated in number, there is no need for taxi zones. Should there be national legislation to remove the ability to restrict numbers this authority would in all probability need to be able to impose taxi zones in an attempt to place some control measures on the consequences of a de-restricted market. Please see the answer to question 1 for more detail.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? *(Page 197)*

Leeds City Council believes it would be useful in certain circumstances for Authorities to have this option, in addition to zoning powers, dependent on local issues.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. *(Page 198)*

Leeds City Council objects to this proposal as it pre-supposes that there will be a National standard without any option for an Authority to add any local standards it requires. If powers to retain local standards were permitted the effect of this would be to encourage operators to apply in the area with lowest costs and lowest requirement. This would be of great concern to Leeds City Council if it was introduced. Please also see our comments on enforcement issues and funding which additionally highlight issues with the removal of local licensing requirements.

Provisional proposal 42

We do not propose to introduce a "return to area" requirement in respect of out-of-area drop offs. *(Page 199)*

The requirement to 'immediately return' could be replaced with a requirement to return 'within a reasonable time'. Private Hire vehicles should not be encouraged to wait for long periods in public places where they might be deemed to be plying for hire. The distance of the journey is not the issue, it is priced accordingly. It is already the case that an Operator can arrange return journeys with different clients (for example airport drop offs and collections).

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares.

Licensing authorities should not have the power to regulate private hire fares.

(Page 200)

Where a market is regulated the local authority should retain the power to regulate maximum taxi fares.

It would be too easy for a relatively small number of Hackney carriages to operate a cartel and set fares at a much higher level. If the market was de-restricted there could then be more of an opportunity for competitiveness among fares but where there is very limited access to a service for example, at a railway station, hospital or late at night it would be too easy for Hackney carriage Proprietors to set a fare too high when there is little option for the travelling public to obtain another service.

In respect of Private Hire fares this Authority believes that it is in the best interests to allow Private Hire companies to set their own fares as there are strong competitive features within the city that indicate this is good practice for the consumer.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? *(Page 200)*

The proposal does not adequately cover the points raised in 15.56 to 15.59. The current statutory procedure for the setting of Hackney carriage fares is considered adequate and takes into account whether a journey is pre-booked or flagged down on the street. It is felt that it would be confusing and potentially unfair on the consumer to have varying arrangements within the taxi tariff. The vehicle is either a taxi operating within a structured fare regime or it is a Private Hire vehicle and this Authority feels there is little benefit to the consumer but there is potentially increased difficulty and misunderstanding with this proposal.

Leeds City Council does not agree with this proposal.

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? *(Page 203)*

The proposals here have appeared in different ways in the previous questions and the view of Leeds City Council is that it would welcome minimum standards set at a level that brought up the professional standards in some other local authorities. But to try and define a ‘fit and proper’ person so tightly might remove discretion for local decision makers.

In general terms, the understanding of a ‘fit and proper’ person and the various pieces of case law need to concentrate on the issues of today in respect of passenger safety and standards. Any definition needs to take account all of the potential issues including people trafficking, sexual exploitation, drug crime and organised crime.

Leeds City Council feels that it would be too constrained in its decision making in some instances and in others would be unable to offer flexibility in decision making because of the statutory constraints. There should be strong guidelines which emphasise and accept they cannot accommodate the whole range of criminal activity or public safety concerns so definitively and therefore allow scope for decision makers.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. *(Page 204)*

Any proprietor of any licensed vehicle must be a ‘fit and proper’ person to ensure that that the vehicle is maintained and controlled in a way which matches the essence of the whole of the statutory framework of licensing drivers, vehicles and Operators.

The Council can not place a requirement on a vehicle proprietor to keep records of whom he has allowed to use the vehicle at any time. An enforcement Officer has no power to require a proprietor of a licensed vehicle to answer any questions during an investigation. An unlicensed proprietor is under no obligation to assist a local authority about who has possession of a licensed vehicle or where it might be at any given time.

This is a significant gap in the existing legislation and must be taken up in the scope of any licensing reform. There is a risk that proprietors of licensed vehicles may have significant connections to the criminal fraternity or who may have significant criminal convictions themselves. It is in their best interests to have uncontrolled access to licensed vehicles. It has to be understood that a licensed vehicle sets an impression that it is going about a lawful enterprise and this is a perfect cover for people involved in criminal activity.

Leeds City Council strongly objects to the proposal.

Question 47

Should national vehicle safety standards be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers' general powers to set national safety conditions? *(Page 205)*

The response to this question has been touched upon many times in previous responses.

If there is to be primary legislation in needs to be set at a level that does not lower the standards attained by some local authorities. The bar must be set at a higher level so that the travelling public throughout the country know there is a higher level of conformity and safety and comfort within vehicles at a national level.

Leeds City Council would oppose any measures that would undermine the conditions that they have in place to achieve a high standard of licensed vehicles for the citizens of Leeds.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. *(Page 206)*

The opportunities are there for any individual to become a sole operator of a licensed vehicle, but to do away with Operator licensing would completely undermine any licensing enforcement function and the whole of the licensing regime would simply fail in the duty to safeguard the public

Leeds City Council believes that this is essential and is beyond argument.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? *(Page 208)*

Leeds City Council believes this is necessary and sensible.

It also considers that it is insufficient to rely on the good will of all taxi associations and without doubt this should be placed on a statutory footing so that many of the requirements placed upon Private Hire Operators and individuals to co-operate with the Authority and to supply information when demanded should be exactly the same for taxi associations.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. *(Page 209)*

The existing legislation outside of London is sufficiently weighted to enable the Local Authority to make the operator responsible for a booking from wherever it came whether it is an individual or intermediary. The onus does rest with the operator, even if that operator was to pass it on to another operator within a licensing district so in respect of this we don't see a need for change.

Question 51

Should "fit and proper" criteria in respect of operators be retained? *(Page 209)*

This Authority feels that not only should this be retained but there should be a change to the Criminal Record Bureau disclosures to enable the 'fit and proper' person test to be extended to enhanced disclosure.

This Authority also believes that those people employed by an Operator in the role of 'Office manager' should similarly fall within the CRB process.

This could include certificates of professional competency for Private Hire operators.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. *(Page 210)*

Leeds City Council's view is that you either have local licensing or you have national licensing. This Authority believes that it is best served by local licensing and on that basis it would not agree with this proposal.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? *(Page 210)*

Leeds City Council strongly believes that records should be kept of pre bookings for both Hackney Carriage and Private Hire vehicles. This aids enforcement and for drivers and proprietors and operators in dealing with public complaints.

REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers.
(Page 213)

Experience shows that various Authorities have de-restricted and then had to re-restrict to deal with the problems caused by the influx by of additional taxis. The problems of congestion, road blockage are not minor issues. Traffic control in Leeds already struggle with preventing blockages to the transport infrastructure and to consider the consequences of double the number of taxis coming into Leeds at different times of the day and night makes the whole proposition unworkable.

The market is not always self levelling in respect of all aspects. It might create a more ready access to taxis at certain times but that does not necessarily contribute to the existing legal understanding of what an unmet demand is and so it is unreasonable in the view of the Authority to simply open the floodgates simply because there is an aversion to this form of regulation.

De-regulation may work well for some small authorities but work less well for larger authorities.

In addition to the congestion problems the environmental issues in Leeds city centre would be significant. Please see the answer to question 1 for more detail.

Leeds City Council strongly opposes this proposal.

The power to restrict numbers should be maintained and should no longer rely on the concept of unmet demand given the importance of congestion and environmental impact and the impact on availability and choice in a de-restriction scenario.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

In Leeds, the Hackney Carriage trade lost the Airport contract and as a consequence we saw evidence of extreme congestion, loss of effective controls in the transport infrastructure, significant inconvenience to other road users, insufficient rank space, difficulties in enforcing the competitive issues that would arise between drivers, the environmental impact, and no consumer benefits.

If ability to restrict the numbers was lost these problems would be repeated and exacerbated. There are similar issues associated with the use of bus lanes.

There is significant pressure on kerb space within the city centre for bus stops and loading facilities, and there is very little scope to increase ranking facilities. It is imperative that the transport box flows freely and allows scheduled bus services to

operate to prescribed timetables. An increase in permitted vehicles into the transport box would severely disrupt public transport services.

More widely the authority has identified the potential benefits from allowing the wider use of bus lanes by Hackney Carriages. This was a finely balance decision based on the benefits to taxis users when set against any disadvantage to the bus services and cycles currently permitted. The fact that this was a regulated and managed service allowed this positive step to be taken with the certainty that the City Council would be able to continue to guarantee service standards for bus services and their passengers. Without this certainty such a policy would not be viable as the large benefits to the nearly 80m per annum bus journeys in the city could not have been secured.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?

(Page 215)

Leeds City Council objects strongly to the removal of quantity restrictions but believes that if there is a decision to move to unrestricted numbers, then this needs to be done in a controlled and phased manner.

TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles?

This could involve:

- (1) a duty on the licensee to give priority to disabled passengers; and
- (2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. *(Page 217)*

Part 1 is already accommodated within equality legislation and this Authority has introduced a policy whereby over 50% of its vehicles are wheelchair accessible.

Part 2 – All of the ranks in Leeds City Centre cater for the Wheelchair accessible vehicles.

It is the experience of this local Authority that the biggest problem for wheelchair users is attracting a Hackney carriage to the suburbs to be collected and then taken on what might be a relatively short journey. A Hackney Carriage driver would rightfully argue that a journey from the city centre to the suburbs for a short journey does not cover their costs and there has to be some sympathy with that.

Perhaps a way of dealing with this issue would be to tackle it from an entirely different perspective and introduce legislation that requires Private Hire operators to have a percentage for their fleet at all times that have wheelchair accessibility. This would be a

highly contentious move but already some local Private Hire operators recognise the value in having wheelchair accessible vehicles in their fleet.

We do think it is unreasonable for the Hackney Carriage trade to be solely responsible for accommodating wheelchair users and it is impractical at a local level to place that requirement on local Authorities in their decision making and would be very challengeable.

Central government shies away from numbers in relation to Hackney Carriage wheelchair accessible numbers but could issue best practice guidance in relation to licensing Private Hire Operators and the requirement to have WAV's.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? *(Page 217)*

This Authority sets a standard fee. An accessible vehicle for one person is often not suitable for another. The only clear distinction is for wheelchair accessible vehicles. If there was to be a difference in fees there the savings would be marginal for the Proprietors of wheelchair accessible vehicles and have to be offset against those who have saloon vehicles. So while the principle sounds good the maths mean that someone else has to pay and the benefits of a slightly reduced fee might not be attractive enough to encourage other proprietors to have wheelchair accessible vehicles.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? *(Page 217)*

Earlier on it was suggested that private hire operators could contribute on a more significant basis to easing this problem but we would repeat that this would be a contentious proposal that would in all probability be strongly contested.

Leeds City Council has partnerships meetings with disability groups and they are included in the approval and decision making process. There is available best practice for all signage, ramps, handles, grips etc and the compliance levels should be set as a national mandatory level. This Authority already meets those standards,

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. *(Page 218)*

This is an issue that has been well debated since 1998 and it would be unfortunate if Authorities who have dealt with the issue in the same way as Leeds were now unable to maintain the benefits that come with large numbers of wheelchair accessible fleets by not having an arguable basis for it. We do understand that it would be difficult to set a quota but there should be some best practice guidance introduced that would enable effected groups to have some distinct leverage if local authorities were not committed to supplying appropriate number of wheelchair accessible vehicle.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. *(Page 219)*

Leeds City Council believe this is essential but within a structured and credible framework.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. *(Page 219)*

Leeds City Council agrees with this proposal

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? *(Page 220)*

Very difficult to manage but any changes to legislation should include control measures to deal with a range of such issues. The rules of evidence would make it difficult to prove and whilst test purchasing might contribute to the solution it would still be difficult.

This is an area of concern with wheelchair users in particular and a working solution with strong sanctions would be of significant benefit.

REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles?
(Page 222)

Leeds City Council believes this to be the case.

All of the attendant health and safety issues, education and training can follow but the authority to do so would be advantageous and reduce the reliance on the Police and make multi agency operations more viable and easier.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.
(Page 223)

Leeds City Council believes that the present legislation is sufficient. If there is an issue there needs to be a will to resolve it with national guidance to LA's and courts to consider.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Leeds City Council believes this would be desirable as generally a breach of local conditions should not trigger such an action and the judgement line should be safety or repeat offending, or non-compliance with a suspension/defect repair notice.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Leeds City Council believes this would be useful but any use of a fixed penalty scheme would need to be proportionate not only to officer time involved but the level of offence committed in order to act as a suitable deterrent.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. *(Page 225)*

If there is to be a standard minimum National licensing scheme portable throughout the country then national enforcement powers would be essential, we do not agree with such a scheme for the reasons outlined above.

There are significant practical and legislative obstacles around delegation of powers that would need to be overcome for such a proposal to be workable in practice.

It also needs to be recognised that busy areas will then effectively fund the enforcement activities of other Licensing Authorities. To address this the 'home' Licensing Authority may have to pay for any enforcement activity conducted by another Authority against any vehicles, drivers or operators it licences.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? *(Page 226)*

As with the previous question If there is to be a standard minimum National licensing scheme portable throughout the country then national enforcement powers would be essential, We do not agree with such a scheme for the reasons outlined above.

Again there are significant practical and legislative obstacles around delegation of powers that would need to be overcome for such a proposal to be workable in practice.

REFORM OF HEARINGS AND APPEALS**Provisional proposal 70**

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. *(Page 230)*

Leeds City Council agrees to this proposal.

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)*

This very issue went before our Licensing Committee for re-consideration recently and it was decided not to introduce this facility. The benefit to the state in terms of reduced costs in the court process are outweighed by the increased administrative costs incurred in supporting the

system.

Therefore the Council's current position is not to support this proposal.

Provisional proposal 72

Appeals should continue to be heard in the magistrates' court. *(Page 232)*

Leeds City Council agrees with this proposal although licensing expertise within the courts has been lost since the Licensing Act 2003 was implemented. Courts should be encouraged to train magistrates on licensing issues and/or create a pool of expertise in their local areas.

Question 73

Should there be an onward right of appeal to the Crown Court? *(Page 233)*

Yes, but only in respect of an error in law.