

Appendix D

Plying for Hire Policy: Email Responses

Response From:	Response Details:	Officer Response:	Change to policy:
Private Hire Driver	<p>The issue of plying for hire.</p> <p>Having personal experience of being suspended, the research I came across seemed to ridicule the entire setup.</p> <p>The Office of Fair Trading has completed two reports, now on it's third. Recommending deregulation. Mainly on principle of an open market. The reports are of course in detail.</p> <p>The legal issues entailing suspension of private hire drivers were addressed by Justice Silber, in a case between LCC and a private hire driver.</p> <p>Justice Silber saw the suspension, without proofs brought to a court of law, as legally unstable. Taking a persons means of income away from them on an assumption, being wrong.</p> <p>To drive without insurance is a serious offence. To create circumstances where members of the public could be exposed to</p>	<p>The issue of de-regulation is currently being considered by the Law Commissions review of Taxi and Private Hire legislation. Its decision is expected in due course.</p> <p>All plying for hire cases are progressed where there is evidence of an offence being committed.</p> <p>Officers agree with this point.</p>	None.

	<p>this, is irresponsible, to say the least.</p> <p>In an ideal world it would perfect if the public could ring a cab office and book a car. As is common knowledge, after a night out, most members of the public simply approach the nearest vehicle, licensed or not. It is a matter of public safety that vehicles carrying members of the public be as safe as possible. A crime free world, unfortunately, is a distant mirage. Hence the previous efforts of the council to increase the number of hackney carriage vehicles in the late 90's. This was, I believe, in response to recommendations of main government.</p> <p>There was a concerted effort by the council to increase the amount of hackney carriage drivers, after which, vehicle licences would be issued.</p> <p>Unfortunately, this was blocked by the existing hackney carriage drivers, some of whom are "Caretakers" of many vehicle licenses. These vehicles are rented out to drivers. The ownership of these licenses is wholly and entirely Leeds City Council, ie: the public of Leeds. To limit the issue of hackney carriage vehicle licenses, allows this minority to make large financial gains, at the expense of the public of Leeds. Why this minority have this allowance is unexplainable. Surely, the public</p>	<p>Members of the public are able to do this in order to pre-book either a taxi or a private hire vehicle. Indeed, to hire a private hire vehicle, the public must pre-book.</p> <p>Enforcement operations are frequently carried out against vehicles plying for hire. Our policy was agreed by Elected Members to show how serious the Council considers this offence.</p> <p>As well as Officers of the Council, licensed private hire drivers also have a responsibility to educate the people of Leeds by reminding them to pre-book if they are attempting to enter their vehicle without doing so.</p> <p>The number of Hackney carriage vehicle licences was increased by the Council as a result of an independent Unmet Demand Survey.</p> <p>These surveys are required regularly, with the last one being undertaken in 2009. This concluded that there was no significant unmet demand for Hackney carriages and no further licence issue was required.</p> <p>Unmet Demand Surveys will continue to be carried out as required in the future.</p>	
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	<p>would be served better, with the implementation of deregulation, as recommended by main government. Thus allowing members of the public to be taken to their destination in an insured vehicle.</p>		
<p>Councillor James Monaghan (received 16.2.11)</p>	<p>I am writing to add my views to the taxi and private hire licensing consultation that is currently being undertaken. My comments relate primarily to illegal plying for hire by private hire drivers, which is a significant issue in Headingley ward.</p> <p>The current plying for hire policy is inadequate to cope with the level of the problem experienced in areas such as central Headingley and that can be clearly seen from the continued escalation of the problem despite numerous efforts to tackle it.</p> <p>In Headingley there is frequent illegal plying for hire outside the Box pub on Otley Road throughout the year in an evening. On particularly busy weekends the problem extends to private hire cars waiting outside the Original Oak pub, by the war memorial, bus stops and almost anywhere drivers can find space to stop at the side of the road regardless of the obstruction or hazard doing so poses to pedestrians and other motorists.</p> <p>I fully support the new policy proposals that</p>	<p>The Taxi and Private Hire Licensing Section have undertaken, and continue to undertake, exercises using Leeds Watch CCTV to detect and monitor plying for hire activity.</p> <p>This is a new way of working to deal with the problem and take the evidence forward to gain successful results in Court.</p>	<p>The Licensing Committee to consider whether it wishes to extend the periods of revocation.</p>

	<p>strengthen the action the council can take against plying for hire. However, the problem is so widespread and irresponsible private hire drivers are so persistent in plying for hire that I believe the punishment should be more severe and that a license should be revoked for 3 years in the first instance not the second. If there is a second offence then the license should be revoked permanently.</p> <p>I would also like to see a better system in place for catching private hire drivers plying for hire. The current system relies on an officer witnessing an offence and private hire vehicles tend to vanish when they see someone monitoring them only to return when the monitoring officers leave the area.</p> <p>I would like to see 'exclusion zones' or similar set-up in areas where there is a particular problem. If a private hire driver is found to be waiting for more than a couple of minutes in one of these areas, via an enforcement officer or CCTV, they can be dealt with by the council for plying for hire.</p> <p>I hope these comments are useful and that Leeds can finally get a grip on tackling the problem of plying for hire.</p>		
Member of the public	Dear Sir		

	<p>I am writing in approval of any strengthening of conditions regarding either the enforcement of existing regulations or regarding the existing rules on taxi/private hire. I have two daughters who regularly go to the late nights etc. in central Leeds. Invariably we insist that they book a taxi to take them home from a recognised private hire company. I have noted that in the conditions of hire is the requirement to have a camera in the car. This I think is essential, as any parent of young women can recount a number of dubious approaches to their daughters from men in central Leeds.. If unlicensed cabs are free to ply for custom this can only lead to problems, as there will be no restraint on the behaviour of drivers in unlicensed cars.</p>	<p>There is an existing condition in place to allow the installation of an approved CCTV system for the safety of both the driver and passengers.</p> <p>However, it is not compulsory for such a system to be in place and it is the choice of the vehicle proprietor should they wish to use it. Funding is available to assist with the cost of installing an approved system.</p>	<p>None.</p>
<p>Member of the public</p>	<p>Dear Sir</p> <p>I understand that the current Council policy in this area is being reviewed though I am not clear what, if any, changes are being proposed.</p> <p>While I support the current policy I have to say it is wholly ineffective. When I wait for a bus in Albion Street, or walk past The Box in Headingley, on a Saturday night I find large numbers of private hire vehicles clearly waiting to be hired rather than collecting a pre-booked fare. In Albion Street, when forced to</p>	<p>The policy has been under review but Officers have not proposed any changes to be made.</p> <p>There is currently an Experimental Order in place around Albion Street and Call Lane. Highways are monitoring any improvements to the congestion and safety of the travelling public.</p>	<p>The Licensing Committee to consider whether it wishes to extend the periods of revocation.</p>

	<p>move by buses, drivers simply circle round and return as quickly as they can.</p> <p>In my view the penalties need to be made more draconian, with longer periods of licence suspension than the current one and three year periods - five and ten might be more effective. Coupled with this there is a need for a serious enforcement drive - however good the policy, if people believe it will not be enforced than they will ignore it.</p>		
Member of the public	Hi, the unofficial taxi rank on Headingley Lane each evening is a hazard to other traffic and pedestrians	The Taxi and Private Hire Licensing Section have undertaken, and continue to undertake, exercises using Leeds Watch CCTV to detect and monitor plying for hire activity.	None.
Cllr. Colin Campbell	Generally I would support the Councils approach but feel that all vehicles should prominently display signage to indicate that if the private hire vehicle is not hired in the correct manner then occupants cease to be insured, (i.e if it is used as a hire and ride or a driver sits outside a venue waiting for people to come out). As this is known by the drivers to be illegal I feel if anyone is convicted then their licence should be removed.	<p>Officers have put forward a proposal to change the private hire vehicle conditions to include requirements for livery to reflect this request;</p> <p>‘An option may be to pass the responsibility to affix such a sticker onto the Private Hire Operators. This would have to conform to a Council standard, saying something similar to “If not pre-booked through [Operator Name], no insurance, no journey”. ‘</p>	None.
Bus Operator	<p>Plying for hire five year ban for first offence</p> <p>Ten year ban for second offence</p> <p>They are breaking the law so no one should</p>	Officers have noted these comments.	The Licensing Committee to consider whether it

	have a problem with it.		wishes to extend the periods of revocation.
GMB	<p>The GMB has consulted widely with our membership throughout Leeds regarding this policy.</p> <p>We object to the current policy of entrapment used by Leeds City Licensing Department which draws drivers into committing offences that they would have entered into without that entrapment taking place.</p> <p>Our members do not believe that it is befitting for an organisation such as Leeds City Council to partake in shoddy activities such as these.</p> <p>We are aware that “plying for hire” is a crime and have written to all our members strongly condemning the practise and warning them of the consequences to their livelihood.</p> <p>Our members believe that the policy currently in place is too severe and should be changed to allow a stern warning to be allowed for the first offence.</p> <p>Our members also believe that drivers accused of this offence should firstly be given the opportunity to present their case to a board of elected members chosen from the Licensing Committee, the cost of appealing to</p>	<p>The Test purchasing exercise carried out by Authorised Officers to detect Plying for Hire offences is not considered ‘entrapment’ in law. This has never been a successful defence in any of the Plying for Hire cases prosecuted by the Council. Case law exists which determines this method of test purchase is a legal and accepted method of detection.</p> <p>Officers welcome this approach by GMB and are willing to work with the union to assist with this message.</p> <p>This was recently reviewed by the Licensing Committee who decided not to change the existing scheme of delegation.</p> <p>Drivers can receive assistance towards the</p>	None.

	<p>the courts is prohibitive and unnecessary.</p> <p>Most authorities use this system and furthermore, drivers are not suspended unless the Licensing Committee finds against them and then the suspension is carried out in a dignified manner. At present drivers suspected of plying for hire have their metallic side plates stripped from their car at the highway, this forms part of the punishment and is degrading. We feel that it is shocking that an organisation such as Leeds City Council should degrade its citizens in this way.</p> <p>On behalf of the Professional Drivers Branch of the GMB (LEEDS)</p>	<p>cost of appeal by approaching the Court.</p> <p>This advice is given in all suspension and revocation letters.</p> <p>The Council has a duty of care to protect the safety of the travelling public of Leeds.</p> <p>Where a driver commits an offence and the vehicle is suspended, members of the public must not be able to mistake that vehicle for a licensed vehicle. The livery is therefore removed from the vehicle at the point of suspension.</p>	
Private Hire Operator	<p>Greenbean Cars is grateful for the opportunity to comment on the ongoing consultations upon Taxi and Private Hire licensing. In particular, it would like to comment upon consultations 1 - Private Hire Operator Conditions and 4 - Plying for Hire.</p> <p>The company welcomes the review of policy relating to plying for hire and agrees that improving ways of dealing with the issue would bring significant benefits to public safety . Every means possible should be used to deter Private Hire Drivers from committing this offence.</p>		None.

	<p>The company is concerned that plying for hire policies have traditionally focused upon individual drivers rather than the general culture and pressures within the industry that leads to this practice.</p> <p>The company believes that additional pressure should be placed upon Operators who hold a unique influence upon drivers and their practices. It is Operators that hold the key to this issue since they can monitor driver behaviour and establish working cultures. Intervention of Enforcement Officers should only be as a last resort.</p> <p>It is the company's view that it would not be unreasonable for Operators to be penalised by proportionate fines if one of their drivers, or a number of their drivers, were caught plying for hire.</p> <p>The company also believes that it would be reasonable to ban drivers from working for that Operator should they be prosecuted for plying for hire offences. This would also bring further pressure upon Operators to better manage their drivers.</p> <p>Private Hire Drivers are under considerable pressure to increase the number of fares and the temptation to ply for hire is increasingly strong. This is because of increasing running costs, evermore Private Hire Drivers entering</p>	<p>This will form part of a separate review of the private hire operator conditions.</p> <p>The first review has recently been completed and Officers are considering proposals and recommendations before further consultation is carried out.</p> <p>The final proposals will be brought before the Licensing Committee in due course.</p>	
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	<p>the industry and strong competition from Hackney Carriages who hold greater privileges. The latter is especially true at night time when customers are seeking a journey home from a night out immediately without having to wait for a pre-booked vehicle. To the customer's mind there is often little understanding that an un-booked journey with a Private Hire Vehicle will be uninsured and unmonitored as per section 2 of the 2007 Plying for Hire Policy.</p> <p>In the longer term this misunderstanding of the public and the whole issue would be better resolved if both PHVs and Hackney Carriages could ply for hire. Whilst this would require change to primary legislation it would be an effective long term solution to the issue since so few customers pre-book a night time journey. This would bring substantial benefits to the public since all drivers would have to conform to the higher Hackney Carriage standards and would ensure all journeys are monitored and insured.</p> <p>In the interim there would be strong benefits to establishing agreements with night time entertainment providers to allow Private Hire Operators to collect customers without prior bookings outside their venues. The company has already seen this operate effectively in certain parts of the city.</p>	<p>Currently being considered by the Law Commission's review of Taxi and Private Hire legislation. Its decision is expected in due course.</p> <p>The Council supports private hire operators who wish to establish booking booths, allowing customers to pre-book vehicles at the venue and be collected outside.</p>	
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