

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 12 February 2013

Subject: Delegated Decisions taken by Taxi and Private Hire Licensing during 2012

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- 1 This report updates the previous statistical information that was provided to Members in March 2012 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing.
- 2 This report contains information on decisions taken from January to December 2012.

Recommendations

3. That Members consider the information in this report and decide at what frequency they wish to receive update reports in future.

1 Purpose of this report

- 1.1 At their meeting in November 2012, Members requested an update to the statistical information they had received in March 2012 regarding delegated decisions taken by officers.

2 Background information

- 2.1 The report in March 2012 gave information on delegated decisions taken in 2010 and 2011. This report gives information on delegated decisions taken from January to December 2012. Information on delegated decisions from 2010 and 2011 has been reproduced for comparison purposes.

2.2 The information for this report and the previous report in March 2012 was collated by officers manually examining the files involved. The new computer system is now been used to record and compile this information automatically from January 2013 onwards so this information will be considerably easier to provide in future. Members are requested to consider how often they would require update reports in the future.

2.3 All decisions taken are done so with regard to council policy, conditions and application criteria approved by Licensing Committee. A full list is available under Background Documents.

3 Main issues

3.1 Number of Licences

3.1.1 Leeds currently has the following numbers of Licences in place: -

- 1018 Hackney Carriage Drivers
- 537 Hackney Carriage Vehicles
- 5070 Private Hire Drivers
- 4903 Private Hire Vehicles
- 107 Private Hire Operators

3.2 Number of Decisions Taken

3.2.2 The figures for 2010, 2011 and 2012 for applications, renewals, refusals, suspensions and revocations of Licences are set out in the table below.

	Applications	Refusals	Suspensions	Revocations
2010	629	18	86	69
2011	508	15	129	46
2012	794	16	74	37

3.2.3 When considering the above information it is important to note that there is no direct correlation between the number of suspensions and revocations in any one year. For example, the number of licences revoked in any one year will include a proportion which were suspended in the previous year with a final decision being made on revocation in the following year.

3.3 Decisions taken in 2012

3.3.1 In 2012, 16 licences were refused and 37 licences were revoked. The reasons for refusal and revocation are set out in the table below.

Categories	Refusals			Revocations		
	2010	2011	2012	2010	2011	2012
Dishonesty			1	3	4	2
Drugs	6	4	6	3	3	1
Violence	3	2	4	6	2	4
Sexual	3	2	1	2	1	1
Fire arms				1		
Murder						
Driving disqualification				20	12	7
Plying for hire	2	1	1	25	19	16
Fail to comply with conditions		2	1		2	
Fail to disclose convictions						1
Inappropriate behaviour			1	2	2	
No right to work in UK						
Medical reason				3		
Extended criminal history	4	2				
Info disclosed at discretion of Chief Constable: impropriety involving a female child		2		1		
Employment tribunal					1	
Pervert the course of justice			1	3		2
Major motoring convictions						2
Operating a private hire vehicle without a licence						1
TOTAL	18	15	16	69	46	37

3.3.2 Members will note that the two largest categories of revocation for 2012 still relate to disqualification and plying for hire which illustrates the point that there are few cases which turn solely on the exercise of discretion. Instead they rely on the application of the findings of others or of approved council policy.

3.3.3 In relation to suspensions there were 74 suspensions in 2012. The reasons for suspensions are set out in the table below.

Reason for suspension	2010	2011	2012
Dishonesty offence	7	7	2
Drug offence	3	4	3
Violent offence	12	14	4
Sexual offence	3	7	4
Fire arms offence	0	1	1
Murder	1	0	0
Driving disqualification	11	17	14
Plying for Hire	36	63	15
Fail to comply with conditions	3	1	5
Fail to disclose convictions	1	6	1
Inappropriate behaviour	3	6	2
No right to work in UK	2	0	1
Medical reason	4	3	0
Required to produce Group 2 medical	0	0	14
DVLA licence expired	0	0	2
Ongoing police investigation	0	0	4
Repeated complaints	0	0	1
Failure to produce DVLA licence	0	0	1
Total	86	129	74

3.3.4 Again, Members will note that two of the largest categories of suspension for 2012 relate to disqualification and plying for hire. There is also a high number of drivers suspended due to failure to provide a Group 2 medical, which is a consequence of the introduction of the council's changes to the application criteria agreed by Licensing Committee. This again illustrates the point that there are few cases which turn solely on the exercise of discretion. Members will also note the number of suspensions relating to offences of violence and dishonesty which directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

3.3.4 It will also be noted from the information above that the numbers of suspension and revocation decisions is not great. This reflects the fact that such decisions are not taken lightly. The powers are not exercised simply because they are available but are exercised where the circumstances warrant it.

4 Corporate Considerations

4.3 Consultation and Engagement

4.3.1 In October 2006 the Department for Transport issued Best Practice Guidance in relation to taxi and private hire vehicle licensing. The aim of the guidance was to assist local authorities with responsibility for the regulation of the taxi and private hire trade. The guidance was updated and refreshed in 2010.

4.3.2 The guidance states it is a good practice for local authorities to consult about any significant proposed changes in licensing rules and that that consultation should include not only the taxi and private hire trade but groups representing customers including those with a wider interest in transport, those representing disabled people or women's groups and local traders.

4.3.3 The information contained in this report has not been the subject of consultation with the trade as it is statistical information only.

4.4 Equality and Diversity / Cohesion and Integration

4.4.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee which are used to inform decision making. These are available as Background Documents.

4.5 Council policies and City Priorities

4.5.1 Taxi and private hire licensing supports the following elements of the Vision for Leeds: -

- Leeds' economy will be prosperous and sustainable, specifically high quality accessible, affordable and reliable public transport and making Leeds a lower carbon city;
- Leeds' communities will be successful, specifically that there are more community-led businesses that meet local needs; and
- Best City for Children, specifically helping ensure children are safe from harm.

4.5.2 Taxi and private hire licensing also supports the following City Priorities: -

- Best City for Business, specifically improving journey times and the reliability of public transport and improve the environment through reduced carbon emissions; and
- Best City for Communities, specifically reduce crime levels and their impact across Leeds.

4.6 Resources and value for money

4.6.3 As this is a statistical report there are no resource or value for money issues to consider.

4.7 Legal Implications, Access to Information and Call In

4.7.1 As this is a statistical report there are no legal implications or access to information issues to consider. This report is not subject to call in.

4.8 Risk Management

4.8.2 The decisions taken by officers can be challenged by appeal through the Magistrates' Court and further appeal to the Crown Court.

5 Conclusions

5.1 That decisions taken by officers have regard to council policy, conditions and criteria approved by Licensing Committee and that every case has been judged proportionately on its own merits.

6 Recommendations

6.1 That Members consider the information in this report and decide at what frequency they wish to receive update reports in future.

7 Background documents

Taxi and Private Hire Vehicle Licensing: Best Practice Guide – Department for Transport
March 2010

Approved Policies: -

- Medical Exemptions
- Plying for Hire

Conditions: -

- Private Hire Driver
- Hackney Carriage Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Operator

Application Criteria: -

- Driving Standards Agency (DSA) Test
- Group II Medical
- English Comprehension
- Convictions Criteria
- Criminal Records Bureau Vetting
- Local Knowledge Test
- Private Hire Vehicle proprietors inc rental companies
- Executive Private Hire Driver
- Executive Private Hire Vehicle
- Executive Private Hire Operator
- Stretched Limousine Private Hire Driver
- Stretched Limousine Private Hire Vehicle
- Stretched Limousine Private Hire Operator
- Hackney Carriage Proprietor

Equality and Cohesion Screening Documents