

LICENSING COMMITTEE

Annual Report – Licensing Service 7 April 2022

Report of Licensing Manager

PURPOSE OF REPORT

To provide an annual report to members of Licensing Committee on private hire/hackney carriage related matters, including volume of applications, complaints, and enforcement activity.

This report is public.

RECOMMENDATIONS

- (1) That members note the contents of the report.

1.0 Introduction

- 1.1 At the meeting of Licensing Committee on 3rd February 2022 members approved the Private Hire and Hackney Carriage Licensing Policy. Point 3.13 of the policy states the following in terms of reporting on Licensing Authority performance.

Licensing Officers will provide an annual report to the Licensing Committee outlining the number of private hire/ hackney carriage related applications received, the determination of those applications, and highlighting the number of applications where the decisions were made not in accordance with the Councils policy.

The report will also provide details of the number of complaints received in respect of drivers/ vehicles and operators and an overview of the nature of complaints and how the complaints were dealt with.

The annual report will also include an overview of any legal cases and appeals.

- 1.2 It is intended that in future years the report will be brought before members annually, in February, providing data from the previous calendar year. (1st January– 31st December)
- 1.3 Attached at **Appendix 1** is a summary of the collated information for 1st January– 31st December 2021.

2.0 Applications

- 2.1 The Licensing service deals with a variety of Hackney Carriage and Private Hire applications, many of which are determined by Officers under delegated powers. Members are only party to decision-making in certain circumstances, it is therefore important to highlight the volume of applications received, the outcomes and highlight any exceptional cases. This will assist when reviewing application standards and the hackney carriage and private hire licensing policy.
- 2.2 The table below shows the type of licences currently issued by Lancaster City Council and administered by the Licensing service; it equates currently to 788 active hackney carriage and private hire related licences in the Lancaster district.

Type Of Licence	Total no. active licences	Duration (licence length)
Private Hire Drivers	35	1 or 3 Years
Hackney Carriage Drivers	27	1 or 3 Years
Dual Licensed Drivers (HC and PH)	376	1 or 3 Years
Private Hire Vehicles	195	4/6/12 Months
Hackney Carriages	108	4/6/12 Months
Private Hire Operators	47	1 or 5 Years

- 2.3 The number of new drivers' (16), vehicles (15) and operator (4) licences issued in the calendar year has been low. This is mainly due to the pandemic and licence holders finding other employment opportunities.
- 2.4 Licences are subject to renewals, if a matter arises upon application to renew a driver's licence that may call into question the driver's fitness, e.g. a relevant conviction or motoring offence; this decision is delegated to Licensing Committee. If the renewal application meets the required standard, officers administer and issue the licence. A total of 105 drivers renewed their licence in 2021. (Hackney carriage, private-hire and dual)
On 4 occasions during that time members were required to determine driver renewal applications. In 3 of these cases the licences were refused and on 1 occasion members departed from Council policy (as permitted) and the licence was granted.
- 2.5 The one licence granted by Licensing Committee that departed from Policy involved a driver, who had no previous compliance/enforcement issues and had been convicted of a motoring offence (using a hand-held mobile device whilst driving) whilst in his licensed vehicle. The driver appeared before members and provided mitigating reasons for the offence and provided evidence in support of his case. The driver appeared remorseful, members noted the severity of the incident that led to the conviction yet departed from the policy stance on the matter and granted the licence renewal, determining that the driver remained a fit and proper person.
- 2.5 Vehicle licences are renewed at 4/6/12 monthly periods depending on the age of the vehicle, therefore each of the 303 licenced vehicles have renewed their licence at least once within the 12-month period.
Vehicles are tested prior to licensing by the Councils Vehicle Maintenance Unit. The total number of vehicle tests carried out, including retests, tests following an accident and standard testing in relation to age of vehicle is 685.

3.0 Summary of Complaints

3.1 57 complaints have been reported and investigated by the licensing service between 1st January 2021 and 31st December 2021. Unfortunately, the system that the Licensing team record all complaints on is unable to break the total number of complaints down into categories of licence types or nature of complaints.

3.2 Complaints usually relate to one or more of the following:

- Driver or Operator Conduct
- Vehicle Safety
- Driving Standards
- Overcharging/Long Routes
- Cleanliness
- Lack of Customer Care

Complaints in the last 12 months have included allegations of poor driving standard, unauthorised vehicle signage, no availability of wheelchair accessible vehicle, driver asking inappropriate, personal questions, unclean driver and vehicle, drivers who have not assisted elderly passengers, that have acted impatiently or without empathy.

3.3 When the licensing service receives a complaint, it is allocated to an investigating officer. That officer then collates all relevant information, which can include obtaining CCTV, statements from witnesses, liaison with Police and checking booking records etc. Part of the process is to also inspect the internal client records of the licensed driver/operator. This may show the complaint as a one-off incident or highlight a pattern of behaviour which is of concern. It is those cases that are presented to Licensing Committee.

3.4 Licence holders are notified of any complaint made against them and given the opportunity to respond to any allegation made, in addition, witnesses are often sought; in the majority of reported complaints, it is one parties word against another and difficult to prove/disprove any wrongdoing. That is the importance of up to date, thorough record-keeping, so trends or pattern of behaviour can be identified, and the appropriate course of action swiftly taken.

3.5 As part of the updated licence conditions for Private hire operators (PHO), they must adopt, implement, review, and update their customer service and complaints policy which includes managing the conduct of drivers and the timeframe for responding to complaints. Listed in the conditions are specific requirements in relation to the handling of complaints and the operator responsibilities. At least every 6 months, the PHO must submit the complaint log to the licensing service.

This will assist the Licensing Authority in ensuring all relevant matters are recorded on the client (driver) records and discussed with the operator to ensure complaints are handled in a consistent, fair manner.

4.0 Enforcement/Compliance Activity

4.1 The licensing team undertake a variety of enforcement duties, of both a proactive and reactive manner. Activity is carried out by Council Officers but can involve other agencies such as the local Police, DVSA and Lancashire County Council.

The main purpose of licensing enforcement is to:

- Secure the health, safety and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
- Deal immediately with serious risks.
- Promote and achieve sustained compliance with the law.

4.2 The total number of inspections carried out on licensed vehicles is 57. 15 of those vehicles inspected have been satisfactory. 42 vehicles have been issued with defect notices which gives the vehicle proprietor a fixed period of time to ensure repair to the vehicle is made. Defects have included, bodywork damage, incorrect signage/positioning of licence plates and cleanliness of vehicle. The number of vehicles suspended is 3 and they were all due to not having a valid insurance certificate in place.

4.3 Due to the pandemic, lockdowns and other service prioritises it has proved difficult to carry out proactive enforcement and compliance activity in the last 12 months. Licensing Officers are slowly reintroducing face to face inspections of licensed vehicles and drivers, in addition, the 3 largest private hire operators were visited late February to discuss emerging topics, including recruitment, fares and to give operators an opportunity to discuss the updated licence conditions and ask questions on how it will impact their business come 1st April 2022 (date of implementation).

5.0 Appeals and Hearings

5.1 In 2021, 4 drivers had their licence revoked. On 2 occasions drivers appeared before Licensing Committee to have their suitability in terms of fitness and propriety reviewed. This was in light of a complaint(s) made to the service and consideration of historic matters.

5.2 Members will be aware that any driver aggrieved by the decision of the Licensing Authority can appeal to the Magistrates Court within 21 days of receiving the decision notice. There is an appeal ongoing with one of the drivers who had his licence revoked.

5.3 The other two cases were items of an urgent nature, so the licences were revoked with immediate effect at an Officer level. As members will be aware, urgent items which present a serious risk to the safety of the public are dealt with by the Chairman of Licensing Committee and Chief Executive (or Director of Service). In these circumstances a decision is taken and reported back to members at the next scheduled Licensing Committee meeting. For members information, the immediate revocations related to an alleged incident of inappropriate touching/behaviour and a drink-driving arrest.

5.4 Members will be aware that any driver aggrieved by the decision of the Licensing Authority can appeal to the Magistrates Court within 21 days of receiving the decision notice. No appeals have been lodged in respect of immediate revocations.

5.5 It would be unusual for vehicle or operator licences to be the subject of a hearing or appeal. Members would only hear matters in relation to vehicles if an application fell outside of the relevant vehicle specification or application procedures. e.g. Removal of plates/signage request/Tuk-tuk licensing etc

6.0 Licensing Workplan

6.1 The Licensing workplan (2022) provides an overview of planned project work for the year, it does not deal with the day-to-day routine activities of the team which would have to take priority over planned reviews and developments. The work plan contains project work, service and policy reviews that have been identified over the last few years as areas that will need scrutiny and review.

6.2 The work plan for the service did highlight a number of key tasks to be actioned in the next 12 months in relation to hackney carriage and private hire licensing, all with varying priority status.

- **Recruitment of new drivers to the licensed trade.**

Funding options have been secured, with new applicants eligible for 100% of the total costs being covered from covid recovery funds, allocated specifically for this purpose. (11 new driver applications have been received since January 2022)

All drivers who allowed their licence to expire throughout the pandemic have been contacted and offered a fast-track application the terms of which will be decided on a case-by-case basis.

- **Hackney carriage and private hire licensing policy adoption and implementation.**

The policy was adopted by Licensing Committee at its previous meeting (February 2022), Licensing staff are working on an action plan to ensure all measures are in place for the date of implementation (1st April 2022)

The licensed trade and those groups impacted by the changes are being notified directly and assistance is being provided to aide understanding.

- **Review of Hackney Carriage Rank Provision**

It is necessary that stand locations, signs and lines are reviewed to ensure they meet the needs of the local trade. This will require input from partners including the Highways Authority. As works are ongoing around the gyratory of traffic in Lancaster town centre, it would be beneficial to await that piece of work before reviewing the stand provisions. Additionally, thought will be required regarding locations in Morecambe due to Eden Project North being granted planning permission and the availability of licensed vehicles for visitors to the area.

- **Hackney Carriage Fare Review 2022**

Item on the agenda.

- **Review of Licensing Fees**

The City Council is responsible for setting fees associated with carrying out the hackney carriage and private hire licensing function. It is the intention that the licensing service is self-financing but not income generating. If at the end of the financial year there is a budget surplus, the surplus will be carried forward and built into the following year's budget process. Similarly, if there is a budget deficit that will normally be taken forward into the following year's budget process with the intention of achieving a cost neutral budget.

Fees will be reviewed once the Hackney Carriage Fare Review has been completed and the new fare tariff in operation.

7.0 Conclusion

- 7.1 There are 788 active hackney carriage and private hire licences operating in the Lancaster district. The Licensing service are responsible for the administration, compliance and enforcement associated within the relevant licensing regime and legislation for each of those licences.
- 7.2 The pandemic has brought about many challenges for the licensed trade, many drivers with a wealth of knowledge and experience are choosing to leave the trade and find alternative employment. The City Council is assisting with recruitment through covid recovery funding, this should alleviate some barriers for new applicants and drivers who have chosen to allow their licence to expire.
- 7.3 The hackney carriage and private hire policy, with an implementation date of 1st April 2022 provides clarity for applicants, officers and members on application procedures and policy matters. Every effort is being made to ensure the licensed trade are aware of the changes that may affect them.
- 7.4 Progress is being made with the 2022 licensing workplan, each item will be prioritised based on local need and resources within the department and each item reported to Licensing Committee at the appropriate time.

CONCLUSION OF IMPACT ASSESSMENT (Including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):
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None identified

LEGAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces
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None identified

SECTION 151 OFFICER'S COMMENTS

The report is for noting, no comments required.

MONITORING OFFICER'S COMMENTS

The report is for noting, no comments required.

BACKGROUND PAPERS

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