

LICENSING COMMITTEE

Annual Report – Licensing Service

14 March 2024

Report of Licensing Manager

Annual Report

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.

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 787 active hackney carriage and private hire related licences in the Lancaster district.

Type Of Licence	Total no. active licences (2023 figures)	Duration (licence length)
Private Hire Drivers	(41) 23	1 or 3 Years
Hackney Carriage Drivers	(26) 21	1 or 3 Years
Dual Licensed Drivers (HC and PH)	(427) 382	1 or 3 Years
Private Hire Vehicles	(225) 212	4/6/12 Months
Hackney Carriages	(108) 107	4/6/12 Months
Private Hire Operators	(51) 42	1 or 5 Years

- 2.3 There has been 40 new drivers', 29 vehicles and 7 new operator licences issued in the last calendar year.

- 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 175 drivers renewed their licence in 2023. (Hackney carriage, private-hire and dual)

On 3 occasions during that time members were required to determine driver renewal applications. In all 3 occasions members departed from Council policy (as permitted) and the licence was granted.

The first case was due to a driver receiving 6 points for driving whilst using a mobile phone. Members made the decision to depart from policy, as the driver had a clean history that members understood the circumstances leading to the endorsement, and felt he remained fit and proper.

The second case was also a driver with a driving endorsement, driving without due care and attention, along with complaints made to the service and 2 previous appearances at Licensing Committee. Members made the decision to depart from policy as they were satisfied, on balance that the driver remained fit and proper.

The third case related to a driver accumulating 9 points on their DVLA licence, a complaint on record and a previous appearance at Licensing Committee to assess fitness. Members made the decision to depart from policy as they were satisfied, on balance that the driver remained fit and proper. A warning was also issued as to future conduct and any further appearances at Licensing Committee.

- 2.6 Members were required to review the suitability of 4 licensed drivers. One resulted in an immediate revocation, 2 were issued with a period of suspension pending a remedial course and one was issued with a warning. Usually, these cases are referred to Licensing Committee following a series of complaints or significant events that question an individual fitness to remain licensed.

- 2.5 Vehicle licences are renewed at 4/6/12 monthly periods depending on the age of the

vehicle, therefore each of the 363 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 733.

3.0 Summary of Complaints

3.1 There has been a total of 44 complaints reported to the Licensing team in the last 12 months. (01 January 2023-31 December 2024).

The type of complaints typically falls into the following categories and the numbers represent how many complaints per subcategory. Complaints have mostly been made by members of the public however there are occasions when operators raise concerns and complaints in reference to other operators.

Other (14) some examples have included an operator involved in the hit and run of a domestic pet, taxis parking on double yellow lines, taxis obstructing persons driveway, incorrect signage, one instance of a lack of wheelchair access, a vulnerable person not picked up from a specific location and vehicles left unattended on ranks, one welfare concern was raised as an operator was receiving money from a vulnerable person, this was voluntary and the assigned officer investigated the complaint and Lancaster Police were notified, the accused operator was interviewed and it was discovered that a friendship had evolved between the two and the operator was paying the monies back, the operator was found not to be contravening the taxi policy nor was he breaking the law.

Public Safety (6) examples have included parking obstruction, one operator mounting a kerb and speeding to avoid a road obstruction, speeding through a junction (driver suspended), and other instances of speeding.

Illegal ranking (6) uber/ train station/ university rank

Lack of customer care (5)

Violence and Aggression (3) there was an accusation of intimidating behaviour from one operator to another reference over taking his job, another complaint was again between two operators disagreeing with a job number and then throwing drinks over one another, the third complaint was regarding a member of public.

Driving a licensed vehicle without due care and attention (3) all complaints were for speeding.

Overcharging (3)

Plying for hire (3)

Not displaying badge/tariff (1)

The time to resolve complaints has varied in range from 1 day to 28 days. The average time to investigate and resolve complaints is 8 days. This was calculated by adding the number of days between each complaint from receipt to close out and then dividing this by the number of complaints. (358 days taken divided by 44 complaints).

- 3.2 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.
- 3.3 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 most 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.
- 3.4 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 Proactive inspections have been carried out on licensed vehicles, the vast majority of which have been satisfactory. A handful of vehicles have been issued with defect notices; the notice 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. Very few vehicles have been suspended, all were due to not having a valid insurance certificate, vehicles being off road due to accident damage and poor vehicle standards.

5.0 Appeals and Hearings

- 5.1 In 2023, only one driver had their licence revoked. The driver appeared before Licensing Committee to have their suitability in terms of fitness and propriety reviewed. This was in light of driving offences/disqualification and complaints regarding inappropriate behaviour.

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 have been no appeals in 2023 to any decision of the Licensing Authority.

6.0 Conclusion

6.1 There are 787 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.

6.2 The private hire and hackney carriage licensing policy became effective on 1st April 2022, since then the licensing service has worked alongside the local trade to ensure compliance, with awareness and education being a priority. Investigations and inspections are important to ensure compliance from licence holders, Licensing officers are proactively and reactively responding to reports and complaints to ensure public safety is maintained.

6.3 Driver application procedures have been reviewed and updated, which is having a positive impact on the numbers of new drivers entering the trade. The free Lancaster and Morecambe College training course (January and February) was fully booked and had a 100% pass rate of those attending, 15 of those applicants have been issued with a licence.

CONCLUSION OF IMPACT ASSESSMENT (Including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

None identified

LEGAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

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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