

LICENSING COMMITTEE

Annual Report – Licensing Service

16 March 2022

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.

- 1.2 Attached at **Appendix 1** is a summary of the collated information for 1st January– 31st December 2022.

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 878 active hackney carriage and private hire related licences in the Lancaster district. There were 788 licences active in 2021 which shows an 11% increase in total numbers.

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

- 2.3 The number of new drivers' (44), vehicles (21) and operator (1) licences issued in the calendar year has been higher than the previous year. There has been a 175% increase in new driver applications as a direct result of the funding that was made available to applicants as part of the covid recovery response.
- 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 97 drivers renewed their licence in 2022. (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 having a relevant conviction. Members made the decision to depart from the policy as the driver had a clean history and members felt that a warning letter was most appropriate in the circumstance.

The second case was also a driver with a relevant conviction. Members made the decision to depart from the policy as they were satisfied with the drivers account of the offence. No further action was taken.

The third case related to a driver receiving 6 points on their DVLA licence for using a mobile handheld device when driving. Members made the decision to depart from policy as the driver gave a reasonable explanation for their behaviour, apologies and assurances were offered as part of their submission to members. No further action was taken.

- 2.6 On 2 occasions members were required to review the suitability of two licensed drivers.

The first driver had 9 points on their DVLA drivers licence. Members made the decision to depart from the Council policy and to suspend the drivers licence until they had attended the Taxi Remedial Course with Blue Lamp Trust. The driver attended and passed the course prior to the suspension taking effect.

The second case was due to a relevant conviction. Members made the decision to depart from the policy due to the long clean licensing history of the driver in question and were satisfied it was an isolated incident. The driver received a warning letter.

- 2.5 Vehicle licences are renewed at 4/6/12 monthly periods depending on the age of the vehicle, therefore each of the 333 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 691.

3.0 Summary of Complaints

- 3.1 62 complaints have been reported and investigated by the licensing service between 1st January 2022 and 31st December 2022. 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 the following:

(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 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.

- 3.5 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 93. 63 of those vehicles inspected have been satisfactory. 13 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 17 and they were all 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 2022, 3 drivers had their licence revoked. On all 3 occasions drivers appeared before Licensing Committee to have their suitability in terms of fitness and propriety reviewed. This was in light of 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 has been 1 appeal, that was later dismissed by the Magistrates Court. The other two drivers did not appeal within the 21-day appeal period.
- 5.3 One of the revocation cases was an urgent item, the licence was therefore 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 Chair 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 revocation related to a

complaint received that related to a driver inappropriately touching a female customer. It was reported to this Committee in January 2022.

- 5.5 There has been 1 revocation of a private hire operator's licence, this was in response to a complaint received by the Licensing Service. The licence holder also had their drivers licence revoked. This decision was appealed to Magistrates Court, who found in the Councils favour and upheld the decision.

It would be unusual for vehicle 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 Actions completed since previous update:

- Increased number of licensed drivers operating in the district (Scheme ends 31 March 2023, 31 1-year licences issued)
- Implemented Private Hire and Hackney Carriage Licensing Policy (April 2022)
- Recruitment of Licensing Officer, Jasmine Elkins
- Re-introduced Commercial Services (Several local businesses have utilised paid services post covid)
- Hackney Carriage Fare Review
- Introduced Electronic Booking System for Vehicle Tests
- Hackney Carriage Unmet Demand Survey (Every 3 years)

- 6.2 The Licensing workplan (2023) 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.

- 6.3 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 frequency and priority status.

The workplan includes;

- Promotion of Commercial Services
- Review of the Councils Statement of Licensing and Gambling Policy
- Street Trading Review (Consent and Licence Requirements)
- Hackney Carriage Stands – Comprehensive Review of locations, signs and lines.
- Licensing fee review – Full cost recovery exercise
- Multi-agency operations
- Hackney Carriage Fare Review (Annual Requirement)

7.0 Conclusion

- 7.1 There are 878 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 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. Vehicle inspections and standards have seen improvement, with the complete fleet now under the requirements of the new policy. (April 1st, 2023).
- 7.3 Progress is being made with the 2023 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):

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

Contact Officer: Miss Jennifer Curtis
Telephone: 01524 582732
Email: jcurtis@lancaster.gov.uk
Ref: AR2023