



Report to Licensing (Regulatory) Committee

Date: 14th June 2023

Title: Hackney carriage and private hire licensing enforcement update

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Recommendations:

1. To note the contents of this report.

1. Background

- 1.1 Prior to the implementation of the Council's new hackney carriage and private hire licensing policy, (the "Policy") in September 2021, the Licensing Service committed to provide routine reports to the Licensing Committee related to application of the Policy.
- 1.2 On 1st February 2023 the Licensing Committee received the annual hackney carriage and private hire licensing review report. Included within the report was an update on enforcement activities by the Licensing Service for the period 1st April 2022 to 30th September 2022. This report focuses on enforcement activity for the period 1st October 2022 to 31st March 2023.

2. Main content of report

Introduction

- 2.1 The purpose of licensing private hire and hackney carriage (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety is the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. The Council's Policy plays an integral part in both securing and demonstrating the Council's commitment to this important objective.
- 2.2 The report provides an overview of how the Policy is applied in practice, with a summary of application outcomes, complaints, investigations and other enforcement activity carried out by the Council's Licensing Service for the reference period 1st October 2022 to 31st March 2023.

Application overview

- 2.3 Appendix 1, fig.1, shows an overview of the total numbers of applications received by month for vehicle, driver and operator licences during the reference period. Appendix 1, Fig.2 shows the various outcomes per month (granted, rejected, refused, withdrawn, other) for all application types.

Vehicle applications

- 2.4 In accordance with the statutory provisions of the Local Government Miscellaneous Provisions Act (LGMPA) 1976, hackney carriage and private hire vehicle licences are granted for a maximum period of 12 months. On 31st March 2023, 2188 vehicles were licensed with the Council. During the reference period the Council received 1330 licence applications for vehicle licences. Of this figure, 618 applications were for new licences and 712 were applications to renew existing licences.
- 2.5 The following table shows a summary of new and renewal vehicle licence applications received by month:

	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23
New apps Hackney carriage	8	12	9	13	15	10
New apps Private hire	71	98	64	97	89	95
New apps Private hire executive	6	4	1	13	4	9
Total new apps	85	114	74	123	108	114
Renewal apps Hackney carriage	21	33	28	27	22	20
Renewal apps Private hire	80	102	67	82	77	111
Renewal apps Private hire executive	5	8	8	4	5	12
Total renewal apps	106	143	103	113	104	143

2.6 The table below provides a summary of vehicle licence application outcomes during the reference period:

	Granted	Refused	Rejected	Withdrawn	Other
Oct 22	189	3	18	3	0
Nov 22	238	0	17	5	1
Dec 22	186	4	11	3	0
Jan 23	213	8	22	2	0
Feb 23	168	4	6	1	0
Mar 23	232	2	12	7	0
Total	1226	21	86	21	1

2.7 The 21 refused vehicle applications relate to vehicles that failed to meet the Council's Policy requirement. Specifically, these applications were submitted for vehicles that had been deemed category S (structural) vehicle insurance write offs. In all instances, as is required, applicants were offered the opportunity to make representation before a final decision was taken. Applicants were advised that the Licensing Service may consider evidence of repairs carried out by a British Standard 10125 certified workshop, or a manufacturer approved workshop as possible grounds for exception to the Policy. To date these are the only grounds that the Licensing Service has been able to identify that would provide assurance that repairs have been carried out, and the vehicle has been returned to the same safety standards as originally manufactured. None of the vehicles were able to demonstrate that they met this standard or provide alternative evidence to warrant departure from the policy.

2.8 86 applications were rejected during the reference period. Applications are rejected for a variety of reasons but often because either incorrect information has been provided on application forms, incorrect supporting documents have been provided or the applicant has failed to pay the application fee. Where possible officers try to avoid rejecting applications and support is provided to help encourage applicants to submit valid applications. The licensing service also continues to review and adapt the application process to ensure it is as efficient as possible, while remaining robust to ensure the Council's policy requirements are met. Encouragingly the numbers of rejected applications have fallen significantly. During the first 6 months following the introduction of the new Policy in September 2021 the number of rejected applications was 212.

Driver applications

- 2.9 In accordance with the statutory provisions of the LGMPA 1976, hackney carriage and driver licences are expected to be granted for a period of 3 years. On 31st March 2023, 2916 drivers were licensed with the Council. Of these 2128 were private hire drivers, 677 dual drivers (both hackney carriage and private hire) and 111 hackney carriage drivers. During the reference period, the Council received 737 driver licence applications: 457 from new drivers and 280 from drivers applying to renew.
- 2.10 The following table shows a summary of new and renewal driver licence applications received by month:

	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23
New driver apps	80	108	60	72	66	71
Renewal driver apps	29	41	35	41	62	72
Total driver apps	109	149	95	113	128	143

- 2.11 The table below provides a summary of driver licence application outcomes during the reference period:

	Granted	Refused	Rejected	Withdrawn	Other
Oct 22	104	5	5	3	0
Nov 22	120	2	19	2	1
Dec 22	116	0	4	3	0
Jan 23	91	0	7	4	0
Feb 23	100	2	10	3	0
Mar 23	104	0	21	6	1
Total	635	9	66	21	2

2.12 9 applications were refused during the reference period on the basis that officers were not satisfied that the applicants could be considered fit and proper to be licensed. The circumstances and grounds for refusal are summarised briefly below:

Driver 1 (renew)	Renewal of licence refused. Motoring offences: disqualified from driving for TT99 (totting up) following 3 repeated MS90 (failure to provide details of the driver at the time of an alleged road traffic offence) within a period 5 months. Dishonesty: failed to disclose historic criminal offences on application form.
Driver 2 (new)	New licence refused. Motoring offence: CU80, (mobile phone use).
Driver 3 (new)	New licence refused. Conviction for Battery.
Driver 4 (renewal)	Renewal of licence refused. Motoring offence: CU80, (mobile phone use). Failed to disclose offence at time.
Driver 5 (renewal)	Renewal of licence refused. Conviction for Assault by ABH. Failed to notify at time of arrest.
Driver 6 (new)	New licence refused. Convictions for possession of class A drugs with intent to supply.
Driver 7 (new)	New licence refused. Conviction for Battery.
Driver 8 (renewal)	Renewal application refused. Medical condition. Driver prohibited from driving under Group 2 medical standards.
Driver 9 (new)	New licence refused. Multiple historic offences involving violence, theft and dishonesty.

2.13 The 66 rejected applications shown are mostly attributable to applicants failing to pay the application fee at the end of the online application process. Applicants who fail to make payment are given 48 hours to make payment, with an automatic reminder sent to them after 24 hours. If the application fee remains unpaid the application is automatically rejected. As the process is now fully automated through the Council's online and back-office application system, there is no intervention required by officers in the process.

Operator applications



2.14 In accordance with the LGMPA 1976, operator licences are expected to be granted for a period of 5 years. On 31st March 2023, 215 private hire vehicle operators were licensed with the Council. During the reference period, the Council received 37 new and 12 renewal operator applications.

2.15 The following table shows a summary of new and renewal operator licence applications received by month:

	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23
New operator apps	7	2	6	3	8	11
Renewal operator apps	2	3	0	0	2	5
Total operator apps	9	5	6	3	10	16

2.16 The table below provides a summary of operator licence application outcomes during the reference period:

	Granted	Refused	Rejected	Withdrawn	Other
Oct 22	6	0	6	3	0
Nov 22	9	0	2	0	0
Dec 22	3	0	3	0	0
Jan 23	4	0	0	1	0
Feb 23	3	0	2	0	0
Mar 23	2	1	7	0	1
Total	27	1	20	4	1

2.17 The 20 rejected applications shown are mainly attributable to applicants submitting multiple incomplete applications.

Complaints and investigations

2.18 In addition to determining applications, the Licensing Service regulates taxi and private hire operations through reactive and proactive activity. Reactive work is typically in response to incident reports and complaints received from members of the public, other agencies within and external to the Council, and from members of the taxi and private hire trade. Proactive work is typically pre-arranged activities, often based on intelligence, and may involve targeting locations and/or activities

such as large events, areas used by the potentially vulnerable such as schools, or specific operations such as “plying for hire” and multi-agency visits.

2.19 163 recorded complaints were received by the Licensing Service during the reference period, categorised as follows. Appendix 1, fig 3, shows the same information in graphical form.

Category	Number of complaints
Accident	4
Behaviour	32
Discrimination	4
Driving standards	50
Fare dispute	9
Other	11
Parking	22
Safeguarding concerns	8
Taxi Licensing	7
Vehicle condition	16

2.20 The licence service also records investigations. These are matters of concern that are not reported as complaints but warrant further investigation by Council officers. Investigations are typically instigated because of:

- Concerns identified during the application process
- Licence holders self-reporting, such as convictions and accidents.
- Pro-active enforcement by Council officers.
- Reports received by various sources of intelligence such as the police and other Council departments.

2.21 During the reference period, 60 investigations were instigated in respect of drivers and 14 in respect of operators. 45 of the driver investigations have been completed, while 15 remain open pending further investigation. 8 of the operator investigations have been completed and 6 remain open pending further investigation.

Enforcement drivers

2.22 During the reference period, 5 drivers had their licences revoked following an investigation. The circumstances of the revocations are briefly summarised below:

Driver 1	IN10 conviction, driving without the appropriate insurance. Council policy stipulates a rehabilitation period of 7 years for insurance offences.
Driver 2	Medical condition. Driver prohibited from driving under Group 2 medical standards. Revoked with immediate effect.
Driver 3	Motoring offence: CU80, (mobile phone use). Failed to disclose offence at time. Previous CU80 offence in 2017. Previous warning and 4 penalty points issued by licensing for dangerous driving in 2018.
Driver 4	Motoring offences: accumulation of 9 DVLA penalty points, SP30 (speeding, 59mph in 30 mph zone) and MW10 (Contravention of special road regulations, stopped to take a non-emergency phone call on the motorway hard shoulder). Failed to declare offences.
Driver 5	Motoring offences: accumulation of 9 DVLA penalty points. ID10 (Driving without due care and attention points), crossed path of oncoming vehicle resulting in injury to member of the public. Previous SP30 (speeding offence) in 2021. Licence revoked with immediate effect.

2.23 During the reference period, 16 drivers had their licences suspended. 7 drivers' licences were suspended as a consequence of contra-indications on their medical records, 6 of these licences have since been resolved and licences have been reinstated. 9 drivers were suspended for failure to attend the mandatory safeguarding and disability awareness training, 8 have of these drivers have since attended as required and licences have since been reinstated.

Enforcement - vehicles

2.24 During the reference period 349 vehicles were suspended. Vehicles are suspended for a wide variety of reasons, usually either as a result of issues identified on the annual inspection or proactive enforcement activities. Where the vehicle does not meet the Council's Policy standards but there is no immediate risk to passenger safety a suspension notice will usually be issued. In accordance with the legal provision, once served with a notice the vehicle proprietor has 21 days to rectify the issue before the suspension takes effect. Examples include advisory matters identified on the MOT inspection, missing or incorrect vehicle livery, cosmetic damage to the vehicle exterior, poor condition of external parts of the vehicle, and

missing first aid kit or fire extinguisher. In most instances the matter is resolved before the notice takes effect.

2.25 For more serious matters, vehicle licences may be suspended with immediate effect or revoked. Vehicle licences suspended with immediate effect are deemed revoked after 2 months if the issue of concern is not satisfactorily resolved. During the reference period 32 vehicle licences were revoked:

- 16 licences were revoked following an unresolved immediate suspension.
- 13 licences were revoked as a result of the licence holder not being deemed fit and proper.
- 3 licences were revoked in respect of category S insurance write off vehicles.

Enforcement - operators

2.26 Officers carry out regular routine compliance checks with operators and all new operators receive a thorough inspection when first licensed. During the reference period, 1 operator licence was revoked. The grounds for revocation are briefly summarised as follows:

- Physically threatened and attacked a Council officer, forced entry into a Council building, and subsequently arrested.
- Unlawfully blocked the public highway with vehicles and made threats to block the public highway.
- Drove a licensed private hire vehicle without holding a licence and allowed another unlicensed driver to also drive a licensed vehicle.
- Failed to provide accurate records and provide requested information, contrary to legal requirements.

Appeals

2.27 During the reference period, 3 cases were heard on appeal at the Magistrates Court.

2.28 On 27th February 2023, Magistrates upheld the Council's decision to revoke a driver's licence on grounds that he was not considered fit and proper. A video recording was received of what appeared to council officers and a police officer to be a passenger in the driver's vehicle participating in the supply of illegal drugs. Officers were all of the opinion that the driver would have had clear sight of the exchange, yet he failed to take any action. The driver also appeared to have knowingly worked for an operator outside of his licence district. The Council were awarded costs of £4051. The driver has appealed the decision to the Crown Court.

- 2.29 On 3rd March 2023, Magistrates upheld the Council’s decision to revoke a driver’s licence who was witnessed by police carrying out a reverse manoeuvre while communicating on his mobile phone. The Council was awarded costs of £3933.26.
- 2.30 On 17th March 2023, Magistrates allowed an appeal, overturning the Council’s decision to revoke a driver’s licence on the basis that the driver was not fit and proper. The driver had collected a vulnerable person from their home address and failed to deliver them to their destination, resulting in the person being left alone, in the vehicle at another address for a period of time. It was also found that the driver had made a false declaration on his previous two medicals and failed to disclose a number of underlying historic medical conditions which called into question his honesty. The Magistrate determined that the incident was a one-off mistake, and that the driver would learn from this mistake and be more vigilant in the future. It was determined that the failures to make accurate disclosures on the medical certificates would not be grounds alone to warrant revocation of the licence. No costs awarded.

3. Next steps and review

- 3.1 The Licensing Service will continue to provide regular enforcement update reports to the Licensing Committee.

4. Other options considered

None.

5. Legal and financial implications

- 5.1 Legal services have had the opportunity to review, comment and contribution to report as appropriate.
- 5.2 The preparation of this report presents no additional costs to the Council.

6. Corporate implications

- 6.1 Protecting the vulnerable – protecting the vulnerable and passenger safety are key aims of the taxi and private hire licensing regime. Regular reporting of information relating to officers’ decisions and enforcement activity to the Licensing Committee, provides an opportunity for additional scrutiny to ensure the protection of the vulnerable is at the centre of Council decision making.
- 6.2 Property – N/A
- 6.3 HR – N/A
- 6.4 Climate change – N/A

6.5 Sustainability – N/A

6.6 Data – N/A

6.7 Value for money – the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum whilst also ensuring that the provision of the service is cost neutral.

Key documents:

Buckinghamshire Council's [Hackney Carriage and Private Hire Licensing Policy](#).

Department for Transport, [Statutory Taxi & Private Hire Standards](#)

