



Report to Licensing Committee

Date: 7th November 2023

Title: Hackney carriage and private hire licensing annual review

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Recommendations:

1. To note the contents of this report.

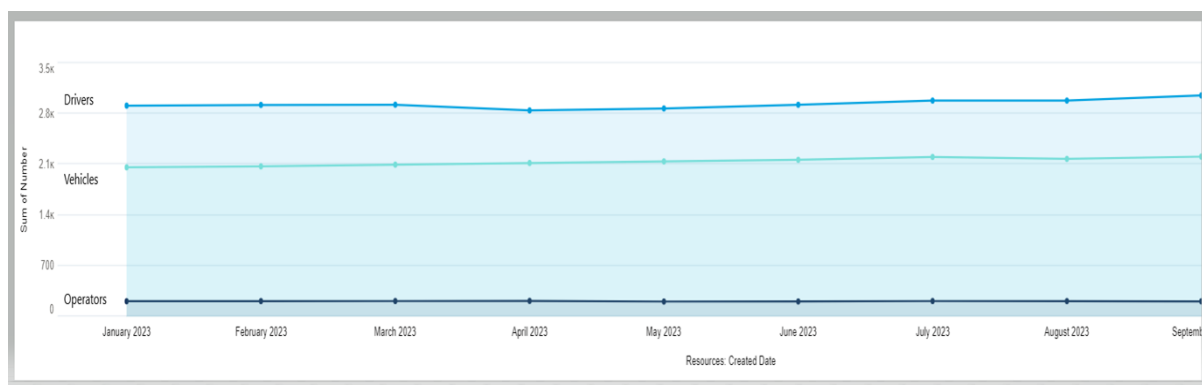
1. Background

- 1.1 Prior to service alignment following the creation of the new Unitary Council in April 2020 and the implementation of the Council's new hackney carriage and private hire licensing policy, (the "Policy"), the Licensing Service committed to providing reports to the Licensing Committee related to service delivery and Policy impact. This is the second annual report, focusing on the period 1 October 2022 through to 30 September 2023.
- 1.2 The report provides an overview of application outcomes, an update on enforcement activity, key changes to service provision and improvements in service delivery, legislative changes and other matters considered to be of relevance or interest to the Committee such as communication with the trade, updates on safeguard training and English language assessments.
- 1.3 The report also contains an overview of hackney carriage and private hire related matters on the horizon that are likely to impact the service and the trade over the coming year.
- 1.4 Financial considerations such as income, expenditure and other budgetary matters have been excluded from the report. A separate report is being prepared for consideration by the Licensing Committee later in the year and this information will form the basis for licence fee review.

2. Main content of report

Licence applications

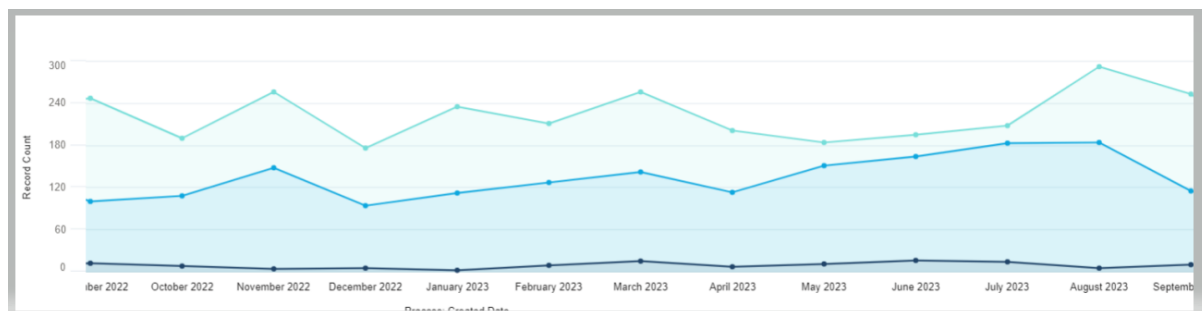
2.1 The number of licences in place has remained fairly constant over the last year for drivers, vehicles and operators. The graph below shows the number of granted licences in effect over time from January 2023 through to the end of September 2023.



2.2 On 30th September 2023 Buckinghamshire Council had:

- 3053 licensed drivers
- 2208 licensed vehicles:
 - 335 hackney carriage
 - 1734 private hire and
 - 139 private hire executive
- 209 licensed private hire operators.

2.3 The number of applications received each month fluctuates with the highest peak of applications in August. Most applications are received for vehicles, which are granted for one year, drivers, which are usually granted for 3 years and operators, which are granted for 5 years. The table below shows the fluctuations in applications received per month for the 12-month period starting October 2022.



2.4 Appendix 1 shows details of vehicle, driver and operator driver applications outcomes by month for the reporting period.

Vehicles

- 2.5 The Council granted a total of 2475 hackney carriage and private hire vehicle licences during the period, compared to 2162 for the same period last year, an increase of 13%. Just over half of the applications received were from applicants renewing their vehicle licence, 54%.
- 2.6 34 vehicles were refused compared to 45 for the same period last year. The service is receiving less applications for vehicles with category S insurance write off status which is likely to be one reason for the reduction in refusals. Also, the minor amendment to the policy to allow greater discretion on tinted windows is also likely to have reduced the need to refuse as many vehicle licence applications. The number of rejected vehicle licence applications has fallen considerably, 153 compared to 321 last year. This is in a large part due to refinement of the online application process which helps support applicants to submit the correct documents first time. 36 applications were later withdrawn which is comparable to 37 in the previous year.
- 2.7 In accordance with the Council's Cabinet performance reporting requirements, the Licensing Service aims to process vehicle applications and issue the licence and plates within 10 working days from the date a valid application is received. This excludes incomplete applications where documents are missing or applications that require further investigation before a decision can be made. Over the reporting period the average processing time has been 5 working days (5.25).

Drivers

- 2.8 The Council granted a total of 1350 applications for hackney carriage and private hire driver licences during the reporting period, an increase of 33% from the same period last year where 1013 applications were granted. The majority of applications are received from drivers applying for new licences, around 66%, although this figure will also include previous drivers who have allowed their licence to lapse before reapplying for a new licence.
- 2.9 20 driver applications were refused, slightly more than the previous year, the grounds for which are summarised in the table shown as Appendix 2. 176 applications were rejected, an increase from 120 the previous year. As reported back in June, this appears to be 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. 37 were withdrawn compared to 11 for the same period last year.

- 2.10 Whilst there is no formal performance indicator set for driver applications, the Licensing Service aims to process all valid applications within 10 working days, unless the application needs to be passed to an officer for investigation and a decision. Over the reporting period the average processing time has been 5 working days (4.78 days).

Operators

- 2.11 The Council granted a total of 54 applications, a decrease of 22% from the 69 granted for same period last year. 75% of applications received were from operators applying for new licences. A significant number of applications were rejected, 53, similar to the figure of 46 rejected for same period last year. This is mainly attributable to applicants abandoning the online application which shows as a rejected application. 6 applications were withdrawn, and 2 applications were refused on the grounds summarised below.
- 2.12 In March 2023 an applicant was refused an operator licence on the basis that they had been dishonest with officers during the application process and failed to demonstrate a suitable level of maturity and responsibility to be considered fit and proper to hold a licence. A second applicant was refused an operator licence in August 2023 on historical grounds and an extensive history of poor behaviour when previously licensed with one of the legacy Buckinghamshire District Councils.
- 2.13 The Licensing Service does not currently have a specified period to determine operator applications. Operator applications are considerably more complex than vehicle and driver applications and generally require a site visit and additional enquiries before an application can be granted so the determination period is usually longer than for vehicles and drivers.

Enforcement overview

- 2.14 In addition to determining applications, the Licensing Service regulates taxi and private hire operations through reactive and proactive activity. Reactive work is usually 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.

2.15 Complaints received are recorded in various categories. Since the previous reporting period the number of categories has increased to provide a more comprehensive overview of the nature of complaints being received. The additional categories now include accidents, discrimination, fare disputes and public health. 335 complaints were received by the Licensing Service during the reference period in relation to hackney carriage and private matters. A summary of complaints received by category are as follows:

Category	Number of complaints
Accident	17
Behaviour	69
Discrimination	7
Driving standards	91
Fare disputes	29
Licensing issue	11
Parking	65
Public health	7
Safeguarding	12
Vehicle condition	27

2.16 The licence service also records investigations, which are recorded separately to complaints. 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.

2.17 In the reporting period, 116 investigations had been instigated in respect of drivers, vehicles and operators (less than the 144 instigated for the same period last year). Of the 116 total investigations instigated, 81 were in respect of drivers and 25 related to operators and 10 related to vehicles. 97 of these investigation have been completed and 19 remain open pending further enquiries.

- 2.18 For the current reporting period 20 drivers had their licences revoked , a summary of the grounds for revocation is provided in Appendix 3.
- 2.19 During the reporting period, officers from the Licensing Service have continued to conduct reactive and proactive enforcement visits. Officers have:
- Conducted regular vehicle checks at school premises during drop-off/pick up times, working with colleagues from the Client Transport team.
 - Undertaken pro-active high visibility “walkabouts” in town centre areas and performed observations at hackney carriage ranks across the county.
 - Engaged in joint enforcement activities at the British Grand Prix at Silverstone, working with colleagues from West Northants and Milton Keynes councils.
 - Worked with colleagues from Milton Keynes, conducting checks on vehicles and drivers working in the Milton Keynes area.
 - Joined colleagues from Thames Valley Roads Policing on at least 5 occasions, conducting compliance and safety spot checks on over licensed 50 vehicles.
 - Monitored taxi and private hire activity at Penn Fest and Oktoberfest.

Appeals

- 2.20 Further to the enforcement report of 14th June 2022, which detailed 3 appeal hearings heard during the reference period, a further 3 appeals have been determined during the period 1st April to 30th September 2022.
- 2.21 On 24th April 2023, the Magistrates dismissed a driver’s appeal against the revocation of his licence on the basis of a conviction for driving without insurance and failure to inform Buckinghamshire Council of his conviction. The Council were awarded £2000 towards costs.
- 2.22 In June 2023, Buckinghamshire Council agreed to allow a driver’s appeal by way of Consent Order against the refusal of his application on the basis of a previous conviction for a motoring mobile use offence. The exceptional circumstances of the case merited a departure from the Council’s usual policy and officers were satisfied that the driver did not represent a risk.
- 2.23 On 7th June 2023, the Magistrates dismissed an appeal against the revocation of a vehicle licence. The licence had been revoked on the basis that the licence holder was under investigation for serious offences. The Council were awarded costs £1238.11.
- 2.24 Additionally, a driver who was previously reported as losing his appeal on 27th February 2023 but had lodged an appeal to the Crown Court. That driver has now withdrawn his appeal to the Crown Court and the matter is concluded.

Service improvements and updates

- 2.25 During the reporting period, the Licensing Service have made some important changes to working practices to improve service delivery as set out below.

Vehicle testing centres

- 2.26 In March 2023, a second garage in High Wycombe was approved to conduct vehicle compliance checks on before of Buckinghamshire Council and there are now 6 approved garages across the county.

Online DBS applications

- 2.27 In September 2023, further changes were made to the DBS application procedure to allow the whole process to continue to take place fully online. In response to the covid-19 pandemic the Home Office had relaxed ID checking rules, allowing these checks to take place online. This meant that drivers have been able to able to make their Enhanced DBS application online without having to produce supporting documents in person. The Data and Barring Service have since confirmed that ID checking should return to the pre-covid-19 arrangement. However, in other developments, Government approved organisations can now verify ID documents digitally on behalf of organsiations submitting DBS applications. Consequently, this means that drivers can continue to apply fully online through the Council's service provider without the need to attend a document checking appointment.

Single application form

- 2.28 In August 2023, a new streamlined taxi/private hire driver online application form was introduced. The new single application process replaces the previous 2-part application process. The 2-part process was introduced primarily to facilitate face-2- face DBS appointments, ensuring applicants submitted all the required documents to allow an enhanced DBS application to be made, before moving to the formal application stage at part 2. Since moving to online DBS applications last year, the application process has become far more efficient and the use of automated renewal reminders has significantly helped ensure applicants submit compliant applications from the outset. As a consequence, the service felt confident that a simplified single online application approach could be introduced. Since being introduced, the single application approach has proved successful, improving efficiency for both the trade and the licensing service.

Communication with the trade

- 2.29 A new "[important information](#)" web page has been added to the council's licensing pages to alert taxi and private hire trade to important changes. Trade members are sent a text alert and link to the page, available here. This approach allows the service to convey important information to the trade efficiently, whilst not being

restricted to character limits of usual text messages. The service also continues to distribute regular trade newsletters.

- 2.30 The [Taxi Working Group](#) continues to meet on a quarterly basis, involving trade representatives from the hackney carriage and private hire trade, council officers, and other organisations such as the police. The group discusses a wide range of trade related issues, with a focus on working collaboratively to address those issues. Officers have also recently set up a new working group focusing specifically on how local taxi and private licensing arrangements can best provide for those with specific transport needs, such as wheelchair users.

Safeguard training

- 2.31 Arrangements for booking mandatory safeguarding and disability awareness training have been handed over to the Council's chosen training provider. The course provider's booking page is integrated with the Council's website so drivers can see what dates and times are available in real time and book and pay accordingly. The course provider is able to monitor bookings directly so if need additional sessions can be arranged as and when needed to keep up with demand. Requiring drivers to pay directly to the supplier, rather than incorporating course fees into the licence fee, has led to a dramatic increase in attendance rates and significantly reduced waiting times for drivers needing to attend one of the sessions.

English language

- 2.32 Since 6 September 2022, all drivers, including existing drivers applying to renew their licence, are required to evidence that they meet the Council's criteria for English language proficiency. Drivers are only required to demonstrate this once, either via attending an assessment with the Licensing Service's approved assessors, or by way of documentary evidence. A list of alternate qualifications is provided on the Council's [website](#).
- 2.33 An analysis of the first 6 months, September 2022 to February 2023, shows that 30% of applicants used the Council's approved assessment provider to demonstrate their English language proficiency. The remainder provided qualification certificates provided by other sources which the service has considered acceptable, the most popular being the grade 5, entry level ESOL speaking and listening qualification. All alternative qualification certificates are checked and verified by officers.

Legal changes

- 2.34 **The Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022**

The mandatory use of the National Revocation of Refusals and Suspension (NR3S) took effect from April 2023. All licensing authorities are now required to actively use this database to search for drivers when an application is made and to record when a driver is refused, revoked or suspended. Previously, there was a non-mandatory

database, which most licensing authorities, including Buckinghamshire, used to search for and record instances when a driver was refused an application or has a licence revoked. The new requirement will make this mandatory and also include instances when drivers are suspended.

Uber vs Sefton

- 2.35 In July 2023, the High Court gave its judgment in the case of *Uber Britannia Limited v Sefton Borough Council* [2023] EWHC 1975 (KB) and held that an operator who accepts a private hire booking is required to enter as principal into a contractual obligation with the passenger to provide the journey which is the subject of the booking. This follows on from a decision of the Divisional Court, which considered the position in London. The High Court judgment looks at the different statutory framework applicable outside London. It is anticipated that the judgment will have far-reaching implications for PHV workers' rights and the business models of private hire operators in England, including liability for VAT and potential increases in fares. A response is expected from the private hire trade and potential legislative changes may follow as a result of this decision. One immediate response from the trade has been a call for private hire fares to be subject to zero-rated VAT as with other forms of public transport.

Horizon

- 2.36 There are a number of matters that are likely to impact the licensed trade over the coming 12 months and these are briefly high-lighted below:

Fee review

- 2.37 A separate report is being prepared for consideration by the Licensing Committee later in the year with an update on the financial position of the taxi licensing service and this information will form the basis of any recommendation to changes to licence fee levels.

Fares

- 2.38 A schedule of maximum hackney carriage fares was last agreed by the Council in August 2022. Hackney trade representatives are asking for a further increase to the maximum fares and this request is subject to a separate report to be presented to the Licensing Committee.

Best practice guidance and policy review

- 2.39 An updated version of the Department for Transport's "Taxi and private hire vehicle licensing: best practice guidance" is still awaiting publication following widespread consultation on its content in early 2022. The draft version is significantly longer than the previous version published in 2010, and contains several significant suggestions, including:

- All licensing authorities should develop and maintain an Inclusive Service Plan.
- No upper age limit for vehicles (with potentially more frequent testing).
- To allow factory fitted tinted windows.
- Minimal livery for private hire vehicles (to distinguish them from hackney carriages).

Whilst the guidance is non-statutory, it would be appropriate for the Council to consider its own Policy content in light of the revised guidance and determine whether changes are necessary. However, given the ongoing uncertainty when the final version will be published the service is now considering whether it may be more appropriate to instigate a review of the Policy regardless of publication of the final version of the Best Practice Guidance.

Taxi rank review

- 2.40 The Licensing Service has continued to review rank provision across the county but is not currently outsourcing this work to an external third party. The work is being carried out by officers, working with trade representatives and passenger user groups to identify how rank location and provision can best serve the travelling needs of local community.

3. Next steps and review

- 3.1 The Licensing Service will continue to provide update reports to the Licensing Committee in a format and at a frequency agreed by Committee Members.

4. Other options considered

None.

5. Legal and financial implications

- 5.1 Legal services have had the opportunity to review, comment and contribution to reports 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. Reporting of information relating to the regulation of hackney carriage and private hire operations 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 Vehicle Standards](#)

Licensing Committee report 1st February 2023, [Hackney Carriage and Private Hire Annual Review](#)

Licensing Committee report 14th June 2023, [Hackney Carriage and Private Hire Enforcement update](#).