

Licensing & Regulatory Committee

11 October 2023

Report from the Director – Environment, Transport and Planning

Taxi Licensing Report on Delegated Decisions

Summary

1. This report provides statistical information regarding decisions delegated to officers in the taxi licensing team under the council's constitution.
2. This report contains information on decisions taken from 1st January 2022 to 1st September 2023.

Background

3. All officer decisions taken are done so with regard to council policy, conditions and application criteria approved by Licensing Committee and in accordance with the council's Constitution.
4. In England, outside London, Hackney carriage (taxi) and private hire licences are issued by district Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire and reward on public roads.
5. It is the Council's responsibility help ensure that the correct standards of safety and comfort are satisfied by all licensed drivers, vehicles and operators.
6. The overriding principle is the safety of the travelling public, and we are committed to contributing to a high-quality transport service and continuous development and improvement within the taxi and private hire trade which encompasses quality of service issues.
7. It is recognised that those who are licensed by Taxi Licensing are the biggest providers of transport in the evening and nighttime economy and the safe licensing and monitoring of licensed drivers and vehicles contributes significantly to the safety of the travelling public.

8. The Taxi Licensing team is self-financing (setting fees to administer the function as defined within the controlling legislation), we have responsibility for issuing licences to:
 - Hackney carriage drivers
 - Hackney carriage vehicles,
 - Private hire drivers
 - Private hire operators
 - Private hire vehicles

Fit and Proper test

9. Particular attention is paid to ensuring that all licence holders are 'fit and proper' to hold a licence.
10. All applicants undertake a criminal records disclosure (DBS) to check for the existence and content of any criminal record. Applicants are also checked against the National Refusal and Revocation, Suspension database.
11. Applicants must pass a safeguarding and knowledge test (which includes how to recognise and report the signs of abuse, customer care, equalities, knowledge of the routes around the city and other licensing requirements). Drivers must also pass a driving assessment and have fewer than 7 penalty points.
12. Before granting vehicle licences, on-site examinations are conducted to ensure that the vehicle meets MOT standards and that certain criteria are met, as set out in our current licensing conditions.
13. Further proactive enforcement activity is undertaken by the means of on street inspections, investigations and operator base visits to ensure compliance with legal requirements and licence conditions whilst ensuring the comfort, safety and appearance of vehicles.

Licensing Statistics

14. City of York currently has the following number of licences in place.
 - 240 Hackney carriage drivers
 - 180 Hackney carriage vehicles
 - 457 Private hire drivers
 - 443 Private hire vehicles
 - 48 Private hire operators

Decisions Taken

15. The application, refusal, suspension and revocation of licence figures for 1st January to 31st December 2022, and 1st January 2023 to the 1st September 2023 is set out in the table below

	Applications	Refusals	Suspensions	Revocations
2022	48	4	18	12
2023	39		12	9

16. When considering the above information, it is important to note that there is no direct correlation between the number of suspensions and revocations in any period.

Refusal and Revocation Decisions

17. The application, refusal, suspension, and revocation of licence figures for 1st January 2022 to 31st December 2022 and 1st January 2023 to 1st September 2023 are set out in the table below.

	2022		2023	
	Refusal	Revocation	Refusal	Revocation
Dishonesty	1	1		
Drugs				
Violence		1		
Sexual		2		1
Driving	2	4		5
Plying for hire				
Inappropriate conduct	1	2		3
Medical		2		
No right to work in UK				
Safeguarding				
TOTAL	4	12		9

18. Between 1st January – 31st December 2022, 4 licence was refused and 12 licences were revoked. Between 1st January – 1st September 2023, 0 licences were refused, and 9 licences were revoked.

19. In relation to suspensions, 18 drivers were suspended between 1st January 2022 to the 31st December 2022 and 12 drivers between 1st January 2023 to the 1st September 2023. The reasons for suspensions are set out in the table below.

Reason for suspension	2022	2023
Fail to comply with conditions	12	2
Inappropriate behaviour		
No right to work in UK		
Medical reason	6	10
DVLA licence expired		
Total	18	12

20. Members will note that the largest category of suspension in 2022 relate to fail to comply with conditions, these specifically relate to failure to complete DBS requirements. Licences were not renewed in majority of these suspensions. The increase in the number of suspensions for medical reasons can be attributed to the expiry of Group II medical reports, the majority of which have been rectified.

Appeals Received

21. To date, 4 appeals have been received in 2023 in comparison to the 8 appeals received in 2022. The reason for the appeal and outcome is set out below.

2022 Type of Appeal	Volume	Court	Result
Against refusal to grant	0	York MC	
Against revocation	8	York MC & Crown	Upheld x 0
			Dismissed x 4
			Withdrawn x 4
Against conditions	0	York MC	
Against suspension	0	York MC	
Total	8		Dismissed x 4
			Withdrawn x 4
			Upheld x 0

2023 Type of Appeal	Volume	Court	Result
Against refusal to grant	0	York MC	
Against revocation	2	York MC	Upheld x 0
			Dismissed x 0
			Withdrawn x 1
			Ongoing x 1
Against conditions	2	York MC	Ongoing x 2
Against suspension	0	York MC	
Total	4		Dismissed x 0
			Withdrawn x 0
			Upheld x 0
			Ongoing x 4

Further Proactive Incentives and Enforcement Activity

22. The Taxi Licensing team has also secured funding from the North Yorkshire Police and Crime Commission, safer street fund to assist in the reduction of violence against women and girls (VWAG). This funding has been allocated to two separate incentives to assist the trade and public safety.
23. Currently we are funding (free) Knowledge and Safeguarding Training / Tests for anyone wishing to apply to become a licensed driver until the 31st December 2023. We are also funding a limited amount free of in-car CCTV systems again until the 31st December 2023.
24. Along with the annual inspection of each licensed vehicle, officers also undertake various multi agency operations throughout the year with the North Yorkshire Police, British Transport Police, DVSA, Immigration and other licensing authorities with a view to ensuring that compliance with legal requirements and licence conditions. To date seven operations have been undertaken since 2022.
25. Further proactive enforcement activity is undertaken by the means of on street inspections. In 2022, 307 additional inspections were undertaken

on vehicles that were operating in the City of York area, any non-compliance issues identified were enforced by means of suspension or rectification notices. Any issues with out-of-town vehicles were also reported to the driver/vehicle's primary licensing authority.

26. Currently in 2023, officers have undertaken 241 on street vehicle compliance inspections.

Conclusions

27. Decisions taken by officers are in accordance the council's constitution, council policy, conditions and criteria approved by Licensing Committee and every case has been judged proportionately on its own merits. There have been no successful appeals against officer decisions in the time period referred to in paragraph 2 of this report.

Recommendations

28. That Members note the information in this report.

Reason: To keep the Committee updated on decisions delegated to officers in the Council's taxi licensing team.

Consultation

29. There is no requirement for consultation with this report.

Analysis.

30. Any person whose application is refused, or licence suspended or revoked by the Council has a right of appeal to the Magistrates' Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates' Court. Appeal rights are contained in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

Council Plan.

31. The decisions taken contribute towards the (draft) Council Plan priorities to provide a fair thriving and green economy for all.

Implications.

32. The implications arising directly from this report are:

- **Financial** – There are no direct financial implications.
- **Human Resources (HR)** – There are no HR implications.
- **Equalities** – It is recognised that licensed taxis and private hire vehicles are a particularly important method of transport for people with disabilities and other vulnerable passengers including school children because of the door-door service they provide. Officers take this into consideration before taking licensing decisions.
- **Legal** – There are no direct legal implications arising from the report.
- **Crime and Disorder** – There are no direct crime and disorder implications arising from the report.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management.

33. There are no known risks involved with this information report.

Contact Details.

Author:	Chief Officer Responsible for the report:		
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	Report Approved	✓	Date 02/10/2023

Wards Affected: All.

Background Papers

Taxi Licensing Policy –

<https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>

Annexes

None