

**REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT
LICENSING AND REGULATORY COMMITTEE – 29 JANUARY 2024
ANNUAL PERFORMANCE REVIEW REPORT**

1.0 Purpose of the Report

1.1 The purpose of this Report is to provide the Licensing and Regulatory Committee with its second Annual Performance Review Report concerning hackney carriage and private hire licensing matters, ie. those licensing and regulatory matters undertaken by the Council's Licensing Section and the Committee during the period 1st January, 2023 to 31st December, 2023.

2.0 Description of Decision

2.1 The Committee is recommended to note the contents of this Report.

3.0 Background Information

3.1 At its Meeting held on 28th November, 2022 the Committee considered and approved the Council's Statement of Private Hire and Hackney Carriage Licensing Policy : 2023 – 2027, ("the Policy Document"). Amongst other matters, the Report explained that as from and including January, 2023 an Annual Performance Review Report, ("Annual Report"), was to be presented to the Committee about private hire and hackney carriage matters. Such Annual Reports are to be presented at the second Meeting of each new calendar year.

3.2 This Annual Report has been prepared by the Principal Licensing Officer. It focuses on the period 1st January, 2023 to 31st December, 2023, with the following issues considered, :-

1. The number of Licensing and Regulatory Committee Meetings held;
2. The number of applications and renewals considered by Officers and the Committee, plus outcomes;
3. The number and types of licences granted by Officers and the Committee, plus outcomes;
4. The number of cases considered by the Executive Director of City Development under delegated powers to consider the immediate suspension, or revocation of licences to drive hackney carriage and private hire vehicles, plus outcomes;
5. Information about the number of complaints received and the outcomes of those investigations, ie. from passengers, or other licensees. The purpose of this is to identify whether there are any identifiable trends and, if so, for appropriate remedial action to be taken;
6. Information about the sanctions that have been imposed at Officer level and by the Committee, namely the number of warnings; severe warnings; suspensions, (immediate and non-immediate); and revocations, (immediate and non-immediate);

7. The number of appeals presented to the Magistrates' Court and the Crown Court, plus outcomes;
8. Information about the Driver Improvement Scheme : referrals at Officer level; referrals by the Licensing and Regulatory Committee; and self-referrals by Licensed Drivers; and
9. Any other information deemed to be of relevance to the Committee, including identification of the parts of the Policy Document which the Principal Licensing Officer believes should be subject to the review.

The above matters are collectively referred to as "the Reported Information".

- 3.3 It is hoped this Annual Report provides an informative summary of the work undertaken by the Licensing Section and the Committee across the 12 month period that is being reported.
- 3.4 The Annual Reports links in with Paragraph 3.5 of the Department for Transport's Statutory Taxi Standards Document that was published in July, 2020, (which was the catalyst for the preparation and introduction of the Policy Document) : *"One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually**".*

4.0 Annual Performance Review Information for 2023

- 4.1 The following parts of this Annual Report considers the Reported Information across the period 1st January, 2023 to 31st December, 2023. Figures for 2022 are shown first in the square brackets, thereby allowing a comparison to be made with the figures for 2023.
- 4.2 The number of Licensing and Regulatory Committee Meetings held : [9] 6.
- 4.3 The number of applications and renewals considered by Officers and the Committee, plus outcomes, :-
 - 4.3.1 [346] 405 new applications were considered in total, of which, :-
 - (a) [67] 54 : hackney carriage driver's licences;
 - (b) [82] 164 : private hire driver's licences;
 - (c) [5] 2 : hackney carriage vehicle licences;
 - (d) [75] 128 : private hire vehicle licences;
 - (e) [4] 1 : private hire operator's licence;
 - (f) [30] 8 : transfer of ownership of hackney carriage vehicle licences;
 - (g) [2] 2 : transfer of ownership of private hire vehicle licences;
 - (h) [46] 24: replacement hackney carriage vehicle licences; and
 - (i) [35] 22 : replacement private hire vehicle licences.

Members will note that there has been a reduction in the number of new hackney carriage drivers and vehicles licensed in 2023 compared to 2022, but quite a significant increase in the number of new private hire drivers and vehicles. The latter may reflect the expansion of app based companies providing private hire services across a wider operating area, including Sunderland.

4.3.2 [971] 777 renewal applications were considered in total, of which, :-

- (a) [160] 124 : hackney carriage driver's licences;
- (b) [136] 87 : private hire driver's licences;
- (c) [341] 284 : hackney carriage vehicle licences;
- (d) [318] 269 : private hire vehicle licences; and
- (e) [16] 13 : private hire operator's licences.

Members will also note that there has been a reduction in the number of all renewals in 2023 when compared to 2022. The maximum period of grant for a driver's licence is three years. Consequently, there may be peaks and troughs in numbers of renewals for such licences; and

4.3.3 In terms of outcomes, :-

- (a) [1] 2 : applicants who were applying for a new hackney carriage driver's licence, but withdrew their applications;
- (b) [1] 2 : applicants applied for a new hackney carriage driver's licence, but were refused by Committee; and
- (c) All of the other applications were granted.

4.4 The number and types of licences granted by Officers and the Committee, plus outcomes, :-

4.4.1 Of the [345] 401 : new applications granted, :-

- (a) [342] 396 : granted by Officers;
- (b) [1] 4 : new applications for a hackney carriage, or private hire driver's licence were granted by the Committee;
- (c) [2] 0 : new "executive" private hire vehicle licences were granted by the Committee; [0] 2 replacement "executive" private hire vehicle licences were granted by Officers. and
- (d) [0] 1 : new hackney carriage vehicle licence was granted by the Committee to enable the licence holder to change it from a wheelchair accessible vehicle to a saloon vehicle due to medical conditions.

4.4.2 Of the [971] 777 renewal applications, [970] 776 were granted by Officers, whilst [1] 1 was granted by the Committee.

- 4.5 The number of cases considered by the Executive Director of City Development under delegated powers to consider the immediate suspension, or revocation of licences to drive hackney carriage and / or private hire vehicles, plus outcomes : [0] 3 cases considered. Of these cases all resulted in the immediate revocation of the driver's licences on the grounds of public safety. No appeals were presented to the Magistrates' Court.
- 4.6 Information about the number of complaints received and the outcomes of those investigations, ie. from passengers, or other licensees, :-
- 4.6.1 [41] 55 : complaints received relating to hackney carriage and / or private hire licensing matters;
- 4.6.2 [1] 2 : complaints received regarding the condition of a vehicle. In one instance the complaint related to damaged seat coverings, while the other related to a vehicle's general cleanliness;
- 4.6.3 [40] 53 : complaints received relating to licensed drivers, which were categorised as follows, :-
- (a) [13] 11 : behaviour / attitude. These complaints included, :-
- *"Driver being abusive towards a Civil Enforcement Officer when carrying out their duties, while the taxi drivers was illegally parking"*;
 - *"Driver sounding his horn and gesticulating to the complainant"*; and
 - *"Driver wouldn't drop off at the door"*;
- (b) [14] 17 : driving ability / skills. These complaints included the following issues, :-
- *"Driver driving erratically"*;
 - *"Driver did not signal when changing lanes and narrowly missed the complainant's vehicle"*;
 - *"Driver pulled out in front of complainant"*;
 - *"Driver performing a U-turn and then becoming abusive when challenged by the complainant"*; and
 - *"Driver driving through bus gates"*;
- (c) [9] 15 : fare / card payments. Such complaints included, :-
- *"Customer was charged a different fare than usual"*;
 - *"Driver couldn't accept card payments"*; and
 - *"Passenger's used card to pay, bank account was debited at a higher amount than the fare displayed"*; and
- (d) [4] 12 : refusal of a fare / not accepting a booking for a fare. Examples included, :-
- *"Drivers refusing WAV bookings"*; and
 - *"Drivers refusing passengers who want to pay be card"*.
- 4.6.4 As to the outcomes of the investigations undertaken in respect of the [41] 53 complaints, :-

- (a) [12] 19 : no further action taken, or feasible. This included those complaints where there was insufficient information to investigate further, such as no licensed vehicle, or driver information, or no evidence of any wrongdoing;
- (b) [23] 24 : verbal warnings, or advice given. As to these cases, information has been recorded on the respective driver's file and may be referred to in the event of any further issues arising regarding the driver;
- (c) [5] 3 : written warnings, or severe written warnings. Where written warnings have been issued these have been recorded on the respective driver's file and may be referred to in the event of any future issues arising regarding the driver;
- (d) [1] 2 : the same driver is in issue and their case is to be referred to the Licensing and Regulatory Committee scheduled for 26th February, 2024; and
- (e) 5 : ongoing investigations.

4.7 Information about the sanctions that have been imposed at Officer level and by the Committee, namely the number of warnings; severe warnings; suspensions, (immediate and non-immediate); and revocations, (immediate and non-immediate), :-

4.7.1 As stated in Paragraph 4.6.4(c) above, [5] 3 written warnings were issued by Officers; and

4.7.2 A total of [5] 3 licensed drivers were considered by the Committee, with the following outcomes, :-

- (a) [3] 3 : written warnings issued;
- (b) [1] 2 : non-immediate suspension of a licence to drive private hire vehicles, with the period of suspension being three months and referral to the Driver improvement Scheme, together with a written warning; and
- (c) [1] 0 : non-immediate revocation of licences to drive hackney carriage and private hire vehicles.

4.8 The number of appeals presented to the Magistrates' Court and the Crown Court, plus outcomes : [1] 0 appeals presented against decisions taken at Officer level, or by the Committee.

4.9 Information about the Driver Improvement Scheme : referrals at Officer level; referrals by the Licensing and Regulatory Committee; and self-referrals by licensed drivers : 2 referrals by the Licensing and Regulatory Committee and 1 self-referral made. In all cases the drivers successfully passed the taken driver improvement courses.

4.10 Any other information deemed to be of relevance to the Committee, including identification of the parts of the Policy Document which the Principal Licensing Officer believes should be subject to the review, :-

4.10.1 The Committee dealt with an application to vary the maximum hackney carriage fares and other charges. This was considered at the Meeting held on 27th February, 2023, with the required statutory advert published on 3rd March, 2023. The changes had application as from and including 3rd April, 2023;

4.10.2 The year 2023 was the first full year of the operation of the Policy Document. The Policy Document seems to be operating well, with it being successfully embedded within the licensing and regulatory processes that are followed by Officers and the Committee;

4.10.3 A piece of work is to be undertaken to review the Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England, ("the Best Practice Guidance"), which was introduced in November, 2023 to see if any changes to the Policy Document need to be considered. As appropriate, a separate Report will be presented to the Committee for its consideration about any such proposed changes and how they are to be progressed. Prior to that, a separate Report will be presented regarding the Best Practice Guidance;

4.10.4 The Licensing Section has received an increased number of enquiries about current licensed vehicles and the impact of the age limit changes that are due to be implemented on 1st April, 2025, ie. Emission Restrictions and Age : Section E, Paragraph 6 of the Policy Document – Hackney Carriage and Private Hire Vehicles. Whilst the issuing of a guidance note is being proposed, the existing provisions will need to be reviewed in line with the corresponding provisions set out in the Best Practice Guidance; and

4.10.5 Some preliminary work is to be undertaken about the advantages and disadvantages of possibly introducing a requirement that all hackney carriage vehicles have means of accepting electronic payment. If proposals are taken forward, then a Report will be presented to the Committee, including how any such proposals are to be progressed.

4.11 As at the 31st December, 2023 the number of licences issued by the Council were as follows, :-

- (a) [556] 543 : hackney carriage driver's licences;
- (b) [487] 589 : private hire driver's licences;
- (c) [327] 318 : hackney carriage vehicle licences;
- (d) [363] 421 : private hire vehicle licences' and
- (e) [21] 20 : private hire operator's licences.

The above figures reflect the comments made in paragraphs 4.3.1.and 4.3.2

5.0 Reasons for Decision

- 5.1 No decision is required to be taken by the Committee. This Annual Report has been prepared for information purposes and seeks to report on hackney carriage and private hire matters as to the period 1st January, 2023 to 31st December, 2023.
- 5.2 The next Annual Report will be considered at the Meeting scheduled to take place on, or about 27th January, 2025. The Report will consider the period 1st January, 2024 to 31st December, 2024.

6.0 Background Papers

- 6.1 The Department for Transport's Statutory Taxi and Private Hire Vehicle Standards : July, 2020;
- 6.2 The Council's Statement of Private Hire and Hackney Carriage Licensing Policy : 2023 – 2027; and
- 6.3 The Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England : November, 2023.

