

REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT
LICENSING AND REGULATORY COMMITTEE – 30 JANUARY 2023
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 very first Annual Performance Review Report concerning hackney carriage and private hire licensing matters, ie. as licensed and regulated by the Council's Licensing Section and the Committee. The period in focus is 1st January, 2022 to 31st December, 2022.

2.0 Description of Decision

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

3.0 Introduction / Background

- 3.1 Members will recall that at its Meeting held on 28th November, 2022 the Committee considered and approved the Council's inaugural 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 is the first Annual Report to have been prepared by the Principal Licensing Officer. It focuses on the period 1st January, 2022 to 31st December, 2022, 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 that this Annual Report, (plus future Annual Reports that are received by the Committee), which address the Reported Information will provide an informative summary of the work undertaken by the Licensing Section and the Committee across each 12 month period that is reported upon.
- 3.4 As explained previously, the introduction of the Annual Report 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 Current Position – Annual Performance Review Information for 2022

- 4.1 The following parts of this Annual Report considers the Reported Information across the period 1st January, 2022 to 31st December, 2022.
- 4.2 In future Annual Reports it is proposed to detail the previous year's figures in square brackets, thereby allowing a comparison to be made with the previous year to be made.
- 4.3 The number of Licensing and Regulatory Committee Meetings held : 9.
- 4.4 The number of applications and renewals considered by Officers and the Committee, plus outcomes, :-
 - 4.4.1 346 new Applications were considered in total, of which, :-
 - (a) 67 : hackney carriage drivers licences;
 - (b) 82 : private hire drivers licences;
 - (c) 5 : hackney carriage vehicle licences;
 - (d) 75 : private hire vehicle licences;
 - (e) 4 : private hire operators licences;
 - (f) 30 : transfer of ownership of hackney carriage vehicle licences;
 - (g) 2 : transfer of ownership of private hire vehicle licences;

- (h) 46 : replacement Hackney Carriage Vehicle Licences; and
- (i) 35 : replacement Private Hire Vehicle Licences;

4.4.2 971 Renewal Applications were considered in total, of which, :-

- (a) 160 : hackney carriage drivers licences;
- (b) 136 : private hire drivers licences;
- (c) 341 : hackney carriage vehicle licences;
- (d) 318 : private hire vehicle licences; and
- (e) 16 : private hire operators licences; and

4.4.3 In terms of outcomes, :-

- (a) 1 applicant, who was applying for a new hackney carriage drivers licence withdrew their application;
- (b) The Committee refused to renew the private hire vehicle drivers licence of an existing licensee and
- (c) All of the other Applications were granted.

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

4.5.1 Of the 345 new applications granted, :-

- (a) 342 : granted by Officers;
- (b) 1 new application for a hackney carriage drivers licence was granted by the Committee; and
- (c) 2 new “executive” private hire vehicle licences were granted by the Committee; and

4.5.2 Of the 971 renewal applications, 970 were granted by Officers, whilst 1 was refused by the Committee.

4.6 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 : 0 cases considered.

4.7 Information about the number of complaints received and the outcomes of those investigations, ie. from passengers, or other Licensees, :-

4.7.1 41 complaints received relating to hackney carriage and private hire licensing matters;

4.7.2 1 complaint received relating to a licensed operator not dealing with a complaint made by a member of the public in a timely manner;

4.7.3 40 complaints received relating to licensed drivers, which were categorised as follows, :-

(a) 13 : behaviour / attitude. These complaints included;

3 separate instances of 3 drivers being abusive towards Civil Enforcement Officers when carrying out their duties, while the taxi drivers were waiting on taxi ranks

Driver sounding his horn and gesticulating to the complainant

(b) 14 : 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

Driver parking across 2 parking bays

(c) 9 : fare / card payments. Such complaints included : and

Customer was charged a different fare than usual

Driver couldn't accept card payments

Passenger's used card to pay, bank account was debited at a higher amount than the fare displayed

(d) 4 : refusal of a fare / not accepting a booking for a fare. Here, examples included :

Driver refused to take a customer saying that they had experienced problems with them in the past, where the customer had slammed the door following a previous journey

Driver refused to take 3 customers as they were being aggressive and shouting at each other before attempting to get into the vehicle.

4.7.4 As to the outcomes of the investigations undertaken in respect of the 41 complaints, :-

(a) 12 : 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 : 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 : 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; and
- (d) 1 : other – badge and licence surrendered.

4.8 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), :-

4.8.1 As stated in Paragraph 4.7.4(c) above, 5 written warnings were issued by Officers; and

4.8.2 A total of 5 licensed drivers were considered by the Committee, with the following outcomes, :-

- (a) 3 written warnings issued; which consisted of 1 warning and 2 severe warnings
- (b) 1 non-immediate suspension of a licence to drive private hire vehicles, with the period of suspension being three months; and
- (c) 1 non-immediate revocation of Licences to Drive Hackney Carriage and Private Hire Vehicles.

4.9 The number of appeals presented to the Magistrates' Court and the Crown Court, plus outcomes : 1 appeal was submitted to the Magistrates' Court against the decision to revoke on a non-immediate basis licences to drive hackney carriage and private hire vehicles. The appeal was dismissed by the Court.

4.10 Information about the Driver Improvement Scheme : referrals at Officer level; referrals by the Licensing and Regulatory Committee; and self-referrals by Licensed Drivers : no information to report at the moment. This is because the Driver Improvement Scheme only became operational on 1st January, 2023.

4.11 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, :-

4.11.1 The Committee dealt with an application to vary the maximum hackney carriage fares and other charges. This was initially considered at the Meeting held on 28th February, 2022, with the required statutory advert published on 4th March, 2022. Following

consideration of an objection to the proposed variations, at its Meeting of 25th April, 2022 the Committee approved the new fares and other charges, with these having application as from and including 9th May, 2022; and

4.11.2 In August, 2022 Officers from the Licensing Section worked with colleagues from Law and Governance to successfully prosecute a private hire vehicle driver licensed by Newcastle City Council who had been illegally plying for hire in the City of Sunderland.

4.12 At the time of preparation of this report the numbers of licences issued are as follows:-

- (a) 556 hackney carriage driver's licences
- (b) 487 private hire driver's licences
- (c) 327 hackney carriage vehicles
- (d) 363 private hire vehicles
- (e) 21 private hire operators

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 over the period 1st January, 2022 to 31st December, 2022.
- 5.2 The next Annual Report is to be considered at the Meeting scheduled to take place on, or about 29th January, 2024. It will consider the period 1st January, 2023 to 31st December, 2023.

6.0 Background Papers

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