



## LICENSING COMMITTEE

Monday, 16 October 2023

|                         |   |
|-------------------------|---|
| <b>Subject</b>          | Scrutiny review of the Hackney Carriage and Private Hire licensing regime   |
| <b>Cabinet Member</b>   | Councillor Jan Candy<br>Cabinet Member with responsibility for Community Health   |
| <b>Report Author(s)</b> | Councillor Mike Deacon<br>Chair of Scrutiny Committee<br><a href="mailto:michael.deacon@eastsoffolk.gov.uk">michael.deacon@eastsoffolk.gov.uk</a><br><br>Sarah Davis<br>Democratic Services Officer<br><a href="mailto:Sarah.davis@eastsoffolk.gov.uk">Sarah.davis@eastsoffolk.gov.uk</a> |
| <b>Head of Service</b>  | Chris Bing<br>Head of Legal and Democratic Services<br><a href="mailto:Chris.bing@eastsoffolk.gov.uk">Chris.bing@eastsoffolk.gov.uk</a>   |
| <b>Director</b>         | Kate Blakemore<br>Strategic Director<br><a href="mailto:Kate.blakemore@eastsoffolk.gov.uk">Kate.blakemore@eastsoffolk.gov.uk</a>  |

|                               |      |
|-------------------------------|------|
| Is the report Open or Exempt? | OPEN |
|-------------------------------|------|

|   |                |
|---|----------------|
| Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information. | Not applicable |
| <b>Wards Affected:</b>  | All Wards      |

## Purpose and high-level overview

### **Purpose of Report:**

One of the Scrutiny Committee's functions is to review Council services and, if necessary, make recommendations for improvement.

This report gives a summary of the Scrutiny Committee's findings following its review of the Hackney Carriage and Private Hire Licensing Regime at its meeting on 21 September 2023.

The Scrutiny Committee considered the report of Councillor Ninnmey, the then Cabinet Member with responsibility for Community Health, which included written submissions from a number of representatives from the trade, and is available on the Council's website. In addition, the Chair of the Licensing Committee, Councillor Wilson, and two guest speakers from the trade attended the meeting to address the Committee and answer questions.

A minute extract from the meeting held on 21 September 2023 forms Appendix A to this report.

### **Options:**

The Scrutiny Committee considered the contents of the Cabinet Member's report and heard evidence from the guest speakers, prior to formulating several recommendations: no other options were considered relevant.

### **Recommendation/s:**

1. That the Licensing Committee be recommended to approve an increase in the number of Enforcement Officers to ensure adequate provision across the whole district.
2. That the Licensing Committee consider the following matters raised during the Scrutiny Committee's review into the Hackney Carriage and Private Hire Licensing Regime:
  - Introducing ways to attract more drivers to the industry, including streamlining processes
  - Consider ways to alleviate the financial burden for drivers applying for a Licence which could include providing grants, loan pay back schemes or staggering payments etc
  - Review, and consider lobbying the Government and LGA in relation to, the recommendations contained within the Task and Finish Group report entitled the Taxi and Private Hire Vehicle Licensing: Steps towards a Safer and More Robust System.

## Corporate Impact Assessment

**Governance:**

This report has been prepared on behalf of the Scrutiny Committee. The Council is required by statute to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Scrutiny Committees can contribute to the development of Council policies and can also hold the Cabinet and other Committees of the Council to account for their decisions.

**ESC policies and strategies that directly apply to the proposal:**

The Council's Constitution – Licensing Committee Terms of Reference and the Licensing and Registration functions delegated to the Licensing Committee

**Environmental:**

Reviewing the Hackney Carriage and Private Hire Licensing Regime to see whether or not the trade could be incentivised further to increase the use of Electric Vehicles (EVs) would help the environment.

**Equalities and Diversity:**

Not applicable

**Financial:**

If the Licensing Committee agree to the recommendation to increase the number of Licensing Enforcement Officers this will have a financial implication.

**Human Resources:**

If the recommendation to employ another Licensing Enforcement Officer is agreed, this will increase the establishment.

**ICT:**

Not applicable

**Legal:**

Not applicable

**Risk:**

Not applicable

**External Consultees:**

Licensed Private Hire Car Association and Hackney Carriage and Private Hire Operators in East Suffolk

## Strategic Plan Priorities

| Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal:<br><i>(Select only one primary and as many secondary as appropriate)</i>  |  | Primary priority                    | Secondary priorities                |
|---|--|-------------------------------------|-------------------------------------|
| <b>T01</b>  | <b>Growing our Economy</b>                                   |                                     |                                     |
| P01   | Build the right environment for East Suffolk                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| P02   | Attract and stimulate inward investment                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| P03   | Maximise and grow the unique selling points of East Suffolk  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P04   | Business partnerships  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P05   | Support and deliver infrastructure                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>T02</b>  | <b>Enabling our Communities</b>                              |                                     |                                     |
| P06   | Community Partnerships                                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P07   | Taking positive action on what matters most                  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P08   | Maximising health, well-being and safety in our District     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| P09   | Community Pride  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>T03</b>  | <b>Maintaining Financial Sustainability</b>                  |                                     |                                     |
| P10   | Organisational design and streamlining services              | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P11   | Making best use of and investing in our assets               | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P12   | Being commercially astute                                    | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P13   | Optimising our financial investments and grant opportunities | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P14   | Review service delivery with partners                        | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>T04</b>  | <b>Delivering Digital Transformation</b>                     |                                     |                                     |
| P15   | Digital by default   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P16   | Lean and efficient streamlined services                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| P17   | Effective use of data  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P18   | Skills and training  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P19   | District-wide digital infrastructure                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>T05</b>  | <b>Caring for our Environment</b>                            |                                     |                                     |
| P20   | Lead by example  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P21   | Minimise waste, reuse materials, increase recycling          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P22   | Renewable energy   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P23   | Protection, education and influence                          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>XXX</b>  | <b>Governance</b>  |                                     |                                     |
| XXX   | How ESC governs itself as an authority                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p><b>How does this proposal support the priorities selected?</b></p> <p>The Scrutiny Committee acts as a “critical friend” when reviewing services and makes recommendations for decision makers to consider.</p> <p>If agreed, the recommendations made as part of this review will support the Council’s priorities for example by improving the Council’s Licensing Regime in terms of enforcement across the district and processes.</p> |  |                                     |                                     |

## Background and Justification for Recommendation

| 1 Background facts |  |
|--------------------|--|
| 1.1                | The Scrutiny Committee decided to review the Hackney Carriage and Private Hire Licensing Regime to ensure the processes were robust, that Licence holders were dealt with fairly and that residents received the best service.   |
| 1.2                | The Committee submitted key lines of enquiry to Councillor Ninnmey, the then Cabinet Member with responsibility for Community Health and his report containing his response was considered by the Scrutiny Committee at its meeting on 21 September 2023.  |
| 1.3                | The Committee also heard from Councillor Wilson, the Chair of the Licensing Committee.   |
| 1.4                | The Licensed Private Hire Car Association (LPHCA) and the Hackney Carriage and Private Hire Operators in East Suffolk were invited to submit written comments and address the Committee as part of the review.   |
| 1.5                | Written submissions were received from two operators, Mr Stokell and Mr Bloom, and from Steve Wright MBE, the Chair of the LPHCA and these were appended to the Cabinet Member's report. In addition, Mr Wright MBE, and Ms Lock, a Director of 515151 Taxis from Lowestoft, addressed the Committee to give their perspectives and answer Members' questions. |

| 2 Current position |   |
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| 2.1                | <p>The current position with regards to the Council's Hackney Carriage and Private Hire Licensing Regime was stated by the Cabinet Member and Officers within the formal report received by the Committee on 21 September 2023 and during discussions at the meeting.</p> <p>It is not proposed to restate that position here, in this report, and for the sake of efficiency, readers are referred to the Cabinet Member's report on the Council's website and the minute extract of the meeting in Appendix A for this information.</p>   |
| 2.2                | <p>During the meeting, the trade representatives raised the following issues:</p> <ul style="list-style-type: none"><li>• The time to get a licence and the cost of it was a barrier preventing some drivers from entering the trade or were a reason they left</li><li>• There was too much training – it should be tailored eg drivers operating fixed routes to collect children to and from school etc did not require the same level of training as other drivers and why did non operational directors of a company have to undertake the same training as a driver?</li><li>• The required college course was felt to be expensive and too long, covering some unnecessary elements</li><li>• There was a lack of enforcement at street level</li><li>• Many drivers had left the industry due to Covid</li><li>• The introduction of the DFT's statutory standards during Covid had impacted greatly on drivers and local authorities</li><li>• There was a blurring of the lines between the two tiers of taxi and private hire licences in East Suffolk, for example fare pricing</li><li>• Was it necessary to require drivers with long clean licences to undertake driving test assessments?</li></ul> |

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|     | <ul style="list-style-type: none"> <li>• Companies were turning down general/school work due to the lack of drivers</li> <li>• The cost of electric vehicles (EV) was very high and the charging costs had increased significantly and were not that much below petrol costs</li> <li>• The reduced fee for drivers with an EV was only 25%</li> <li>• There was a lack of EV infrastructure in the district and no incentives for businesses to add any</li> <li>• There was no framework for drivers/operators to complain about or report passenger abuse</li> <li>• The licence was not portable if a driver moved house – they had to re-apply</li> <li>• Uber and other app based companies had had a massive impact on the sector</li> <li>• National standards were advisable as drivers could drive across geographic boundaries in accordance with the Task and Finish Group’s recommendations</li> <li>• Improved engagement between the trade and the Council would be welcome</li> <li>• Processes could be simplified such as plate collection on renewal, documentation could be emailed instead of posted etc</li> </ul>   |
| 2.3 | <p>The Cabinet Member, Councillor Wilson and Officers reported on the following at the meeting:</p> <ul style="list-style-type: none"> <li>• The reasons for requiring drivers to report the costs of journeys</li> <li>• The reasons for the process of collecting renewal plates</li> <li>• The Council did receive compliments about drivers as well as complaints</li> <li>• The hours drivers worked and if there was a health and safety risk</li> <li>• The number and type of complaints received about drivers or issues identified by the Licensing Enforcement Officer</li> <li>• Potential incentives to use EVs such as grants</li> <li>• Clarity on the number of licenced drivers in East Suffolk</li> <li>• Elements that came into determining that drivers and operators were “fit and proper persons”</li> <li>• The costs and duration of the course including clarity that new drivers had a longer course than existing drivers</li> <li>• The reasons safeguarding was an integral part of the training</li> <li>• That customer care standards were a minimum</li> <li>• The time taken for applications to be processed</li> <li>• That Uber would be treated the same as any other operator</li> </ul> |

### 3 How to address current situation

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| 3.1 | The Scrutiny Committee noted the current Hackney Carriage and Private Hire Licensing processes and the reasons for them.  |
| 3.2 | One of the main issues that became apparent to the Committee during the review was the lack of enforcement. Although it was acknowledged that the current Licensing Enforcement Officer was very good, having only one Enforcement Officer seriously impeded the amount of enforcement that could take place given the size of the district. Members were concerned that there was a suggestion that some drivers were taking advantage of that gap in enforcement. |
| 3.3 | The Committee was also concerned to learn that the Licensing Regime in terms of some of the current policies, processes, procedures and costs might be deterring drivers from entering the industry or be a reason why drivers had left.  |

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| 3.4 | Members agreed with the trade that a review of the Licensing Regime would be helpful, particularly in relation to some of the specific issues raised including: <ul style="list-style-type: none"> <li>• the collection of renewal plates</li> <li>• the cost, duration and content of the 2 day training course</li> <li>• the need to reapply if moving house etc</li> <li>• ways to incentivise the trade to use more electric vehicles</li> </ul> |
| 3.5 | It was also felt that engagement between the trade and the Licensing Department should be improved and might be helpful towards finding solutions to some of these issues.  |
| 3.6 | In reviewing this matter and in forming its recommendations, the Committee wished to offer a constructive friend's view of the current situation and challenge in a positive way that might also add value and assistance rather than criticism.  |

#### 4 Reason/s for recommendation

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| 4.1 | In response to the information provided during the review, it was clear to the Scrutiny Committee that Licensing Enforcement was an issue. It was felt that this could only be overcome by employing another Enforcement Officer to ensure the whole district was covered. This would also reassure the trade and public that the Council regarded any breaches of Licensing conditions very seriously.   |
| 4.2 | It was also clear that there was a need to attract and retain drivers to provide a service to the public, particularly in the evenings, and to other stakeholders such as the County Council. The Scrutiny Committee felt, therefore, that the only way to do this was for the Licensing Committee, who is the responsible body, to review the Hackney Carriage and Private Hire Licensing Regime to hopefully meet the needs of the trade, whilst ensuring that the Council, as the Licensing Authority, met legislative requirements and accorded with best practice. |
| 4.3 | Reference had been made during the review to the recommendations in the Government's Task and Finish Group report entitled the Taxi and Private Hire Vehicle Licensing: Steps towards a Safer and More Robust System which it had been suggested might help mitigate some of the issues raised during the review. As the responsible body, the Scrutiny Committee felt it would be more appropriate for the Licensing Committee rather than themselves to review the recommendations and, if necessary, lobby Government and the LGA for action.                        |

## Appendices

### Appendices:

**Appendix A** Minute Extract from the Scrutiny Committee – 21 September 2023

### Background reference papers:

| Date           | Type   | Available From  |
|----------------|--|---|
| September 2018 | Task and Finish Group: Taxi and Private Hire Licensing: Steps towards a Safer and More Robust System | <a href="https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-recommendations-for-a-safer-and-more-robust-system">https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-recommendations-for-a-safer-and-more-robust-system</a> |