

MINUTE EXTRACT

SCRUTINY COMMITTEE – 21 SEPTEMBER 2023

Item 4 - Review of Hackney Carriage and Private Hire Licences

The Chair thanked trade representatives who had responded to the consultation by submitting their comments in writing, a summary of which was appended to the report, and also thanked those who were watching on YouTube. In particular, he welcomed and thanked Steve Wright MBE and Stacey Lock who had agreed to address the Committee to give their views and respond to Members' questions.

The Cabinet Member for Community Health introduced his report ES/1642 which responded to the key lines of enquiry drawn up by the Scrutiny Committee. Councillor Ninnmey stressed that taxis and private hire drivers and operators were an invaluable part of East Suffolk's transport system in terms of the night time economy, driving children to school and the rurality of the district. He explained that Covid had seriously impacted the sector with many drivers leaving the trade and the cost of living crisis was a challenge, so fares needed to be set at a fair rate for the public but also provide drivers with a living. He stressed that public safety was of paramount importance and the Licensing Committee and Team had robust measures in place to protect the travelling public in terms of making sure vehicles were roadworthy and drivers were fit and proper persons. Appropriate enforcement action was taken in partnership with the Police and other stakeholders and the Team had a strong track record when defending the Council's decisions in Court in the event of challenge. The Committee and Team were also mindful that they had a role to play in achieving the Council's net zero ambitions and there were currently reduced fees for hybrid and electric vehicles.

The Chair invited Councillor Wilson, the Licensing Committee Chair to speak. Councillor Wilson stated that the Team covered a wide range of matters but hackney carriage and private hire licensing was the busiest element of their work. He stated that, where there was something that required a suspension of a licence, it went to him but if he was absent it was considered by the Cabinet Member. He explained that, in relation to the Department's direction of travel, he had spoken to Officers at length regarding the two different fare regimes and he referred to the 2019 survey of the trade which had shown there was no appetite to unify them. He stated that he had also discussed with Officers about good practice from elsewhere to encourage the trade to use electric or hybrid vehicles and the Team had concluded the best way to do that was by incentivising them with a discount on their licence fee.

In response to the Chair's request for the queries submitted by Mr Stokell in Appendix L of the report to be answered, the Licensing Manager and Housing Lead Lawyer stated that:

- Members determined policy conditions, not Officers.
- Although Officers prepared reports, policy decisions were a matter for the Licensing Committee to decide upon.

- Licensing Committee Members were given full training when they were appointed to the Committee and regular refresher training was provided as and when required. He was confident the Licensing Members knew the difference between hackney carriage and private hire licences.
- The current conditions in the policy were legal and could be amended by the Licensing Committee at any time but would not come into effect until renewal or on issue of a new licence.

The Chair queried why private hire drivers were expected to report income from a journey when there was no legal requirement to do so and how did Officers know that drivers were reporting how much they earned correctly. The Licensing Manager and Housing Lead Lawyer responded that the cost of the journey was required in the event of any dispute which could actually protect drivers and operators. The Senior Licensing Officer stressed that the Team were not enquiring about the income of the driver. It was clarified that private hire drivers could charge whatever they liked provided the passenger agreed to it in advance or if it was a fare that was agreed in advance, but if they decided to charge the metered rate they should not charge more than that.

Councillor Gooch referred to Mr Bloom's comments in the report in relation to being able to wait at railway stations, having to make appointments with the Team to collect renewals and having stickers encouraging comments/compliments. The Licensing Manager and Housing Lead Lawyer stated that if the Team did not know when drivers were collecting their renewal, they would not know who that person was. He also stressed that the Council could not have someone who was not a fit and proper person getting hold of a badge and licence. Whilst acknowledging that point, Councillor Gooch queried if the process could not be made simpler for renewals bearing in mind the Team would already have the ID and reference number of the driver. The Licensing Manager and Housing Lead Lawyer stated that office receptionists were not East Suffolk employees so could not be asked to check documents and issue licences. In relation to the stickers, he added that the current ones asked for feedback not complaints and he read out an example of a compliment the Council had recently received about a driver.

Councillor Candy queried why there was no law to govern the hours a driver could work but the conditions stated they must advise their operators when they were fatigued. The Licensing Manager and Housing Lead Lawyer stated that, whilst there were limits for HGV drivers etc, there was no legislation for how many hours taxis could work but if the Licensing Committee wished to bring in a policy then as long as it was "reasonable" they could do so but obviously if the trade were not happy with it then they could challenge it. Councillor Bennett pointed out that the hours drivers worked could be a matter of public safety. The Licensing Manager and Housing Lead Lawyer reminded Members that the test was that drivers had to be a fit and proper person so if there was an issue that brought that into question for example an operator was forcing the driver to work a lot of hours and the Team became aware of it then they would speak to the driver and the operator.

Councillor Wilson left the meeting at 7pm.

The Chair invited Steve Wright MBE, the Licensed Private Hire Car Association Chair to address the Committee. Mr Wright thanked the Committee for the opportunity to speak and, in response to an earlier comment, explained that about 18 years ago the Government had held a wide ranging consultation on hours, including the amount of dead time whilst drivers were waiting, and the conclusion was that the Working Time Directive Europe wide did not apply. He stated that this was unenforceable, however, these days software monitored hours and generally operators did not

allow their drivers to work excessive hours. In terms of the national picture, Mr Wright stated that there was a massive shortage of drivers because they did not get a lot of assistance during Covid and many had retired. One of the main barriers to people entering the industry was the high cost of the licence so people were choosing to deliver parcels etc instead. He suggested there were too many regulatory requirements on drivers that should be left to the companies such as customer care standards. He also felt there was a lot of training and excessive things now required of drivers so they did not want to come into the industry. He pointed out that a consequence of this over-regulation was the impact on public safety because people could not get picked up by a taxi or private hire vehicle at night. He added that there was a lack of genuine enforcement on the streets in the evenings. In relation to Uber and other app based companies, he stated that these were a nightmare for the industry because they made it almost impossible to pre-book journeys and drivers worked for multiple operators and cherry picked jobs. In relation to Covid, many drivers had left the industry and the barriers to entry were considerable. He added that he did not understand why the DFT brought out statutory standards during Covid because it was the worst possible time. Many drivers had said for example that they did not need a driving test when they had been driving for 40 years with a clean licence. The Government recommendations had been devolved to local authorities who were already struggling to keep their taxi and private hire industry working without having these statutory standards introduced. He explained that he had been part of the Government's Task and Finish Group that had looked at what needed to be done. With regard to the Council's relationship with the trade in comparison with other Local Authorities, he stated this was generally very good but suggested that there could be improvements eg there were two tiers in taxi and private hire and he felt there was a blurring of the tiers in East Suffolk, and there was a specific difficulty in driving those with special educational needs eg he queried the point in sending drivers on a 2 day course if they were doing a fixed route for special education needs and disabled children because there was a lot of expense involved in this. He explained there were different levels of training required and some were unnecessary eg teaching drivers how to use a meter if they would never use one. He suggested customer care standards were for the company to decide and was a desirable not essential. He stated that everything added to the cost which reduced the number of drivers and compromised public safety for example driving test assessments for those that had been driving for 40 years with no endorsements added to the cost and were another reason people did not join the industry. He concluded that he had no real criticisms of the Licensing Department and they had a good relationship.

The Chair invited questions and Councillor Candy asked if it would help to attract drivers if there was a cohesive trade group that they could belong to. Mr Wright stated apathy was the biggest enemy and given Uber was wiping out businesses, he felt any encouragement to join a trade union or trade body would help.

The Chair invited Stacey Lock from 515151 Taxis in Lowestoft to address the Committee. Ms Lock thanked the Committee for the invitation to speak and stated that she was doing so from an operator's point of view and also could report what drivers had to say. She explained there was a huge lack of enforcement with very little street level presence for example it was very rare to see any enforcement on school runs which led to drivers doing what they wanted. She stated that the lines were blurred between hackney carriage and private hires and clarified that, despite what the Officers had said earlier, hackney carriage fares were not a fixed price because they could be charged as the meter was set or below but could not go above the metered rate. Whereas private hires could charge what they liked as long as the customer agreed to it in advance or the customer was happy with the estimate. She explained that some hackney carriage drivers worked for private hire operators and carried out fares for the operators but did not charge the hackney carriage set fare. She stated that she had reported this several times but there was no enforcement so drivers

continued to do it. She added that some drivers would not drive for her because she did not allow it, whereas other operators did and this led to the public being ripped off for example if a driver picked up a fare that on a Council rate started at £4 but the operator's rate was £5 then the driver charged £5 and this happened daily. With regard to training, Ms Lock stated that her company was happy drivers and staff were educated but suggested the level gone to was madness eg she had worked in the business for 20 years and been a director for 7, but she still had to undertake the same training as a driver did. She felt she was more than qualified so queried why she needed to attend training especially when she had been asked to give feedback on it. She stated that there were three directors in her company and they all had to do training even though one did not have anything to do with the operational side of the business. She added that she had emailed Officers about this in August 2023 but had still not had a response so she did not know if she was abiding by the rules or not as the rules were unclear. Ms Lock explained that the two day college course was during the day which took them away from the job and was £150 on top of £600 for the licence and, in her view, a lot of the subjects on the course were self-explanatory with most drivers who had been doing it for a very long time being put off as they did not need to be told how to suck eggs. She recognised the need for training, especially the basics, but suggested the cost and time required was hugely deterring drivers with probably 15/20% of licensed drivers now choosing to do deliveries instead. She explained that her company had never turned down so much work before especially on Friday and Saturday nights but they did not have the drivers available and this left the public stranded with an hour to three hour wait. She suggested, therefore, that more needed to be done to attract drivers to join the trade including looking at the training and hoops they had to go through in order to get a licence otherwise the trade would not grow. She added that the average age of drivers was in their 50's and they did not want to work weekends any more but new drivers did not want to come into the trade. In relation to electric vehicles, Ms Lock stated that this was very difficult for businesses because the cost of the vehicles was extremely high and whilst the reduced fee was welcome, it was not that much money to compensate as it was only 25%. In addition, the area did not have the infrastructure needed and no support was available to businesses to add the infrastructure required. She explained there were only two charging points in Lowestoft and previously they had paid 35p per kilowatt on the road but now it was about 85p to £1 per kilowatt so the cost was probably now about the same as petrol. She concluded that there was no encouragement for the trade to go electric because it was too difficult and not cost effective to charge. There was no incentive to buy vehicles or licence them and they still had six monthly energy checks and paid the same costs even though the vehicles had no emissions.

The Chair invited questions for Mr Wright and Ms Lock. Councillor Gooch referred to Mr Bloom's comment that there was no framework for drivers and operators to make a complaint against abuse from members of the public and she queried if abuse was much of a disincentive for drivers. Ms Lock responded that she thought it was, adding that, although companies communicated with each other to stop certain customers from using vehicles, there was no system in place to report them other than to the Police. She gave an example from the previous week where a driver had been subjected to verbal abuse and the customer refused to pay the fare, the Police had been called but did not respond until three hours later and in the meantime the driver could not really hold them in the vehicle as that would have escalated the situation. Mr Wright commented that the number of customers who ran away without paying had increased dramatically with the Police at another Council's public meeting saying that it was not worth their time investigating as it would cost £250, so that and the shortage of drivers compounded the sector's problems.

The Chair invited questions and in response to Councillor Candy's question about what three things would encourage more drivers, Mr Wright stated that there were not really three things because

more importantly there were flaws with many of the systems such as DBS was not fit for purpose for example when taking a child to school at some point during the journey they became an adult! Another example was that there was no portability so if a driver moved house they had to reapply so everything was cumbersome and needed streamlining. Mr Wright stated that he was currently writing a report for the Government which he would send to Councils. He acknowledged that Council's costs were increasing but suggested they needed to look at what they were making drivers go through and drill down to the essential things for public safety only and remove other things such as training on providing change.

Councillor Bennett queried if Uber drivers had to go through the same training. Mr Wright stated that there were 300 licensing authorities in England and Wales and every one was different because there were no common standards. He explained that apps had negated geographical boundaries so someone could get a licence elsewhere, where it was cheaper and easier, then drive across boundaries which was why in his view national standards were needed.

In response to the Chair's query, Ms Lock clarified that she had meant the Licensing Team who carried out enforcement not the Police. She added there was a lot happening on the street level which she reported but if the Licensing Enforcement Officer did not know about it or see it then nothing happened. The Cabinet Member stated that he had been concerned to learn there was only one Enforcement Officer covering the whole district and, whilst the service had to be cost neutral, he suggested the Scrutiny Committee might wish to consider recommending the number of officers be increased. He added that the current Officer did work evenings.

In response to Councillor Folley's query about the number of complaints about drivers over the last year, the Licensing Manager and Housing Lead Lawyer responded that between 1 March 2022 and 28 February 2023, the Council dealt with 211 enforcement issues which were not necessarily complaints from the public but could be things that the Enforcement Officer had discovered such as smoking in vehicles, inappropriate behaviour, language, poor driving, not wearing a badge, dirty vehicle, query regarding a fare, unfit vehicle notices and not declaring speeding notices.

The Chair invited the guests to make any closing remarks and Ms Lock summed up that:

- It would be good to see more enforcement.
- The existing Licensing Enforcement Officer was very good and helpful.
- Drivers should be engaged with more and the trust between them and the Licensing Department should be built up.
- Collecting plates should be made easier eg so much documentation was provided that it should be possible to just show ID when collecting.
- Lots of documentation was sent by post that could be emailed.
- She was happy to engage further with the Council, Committee and Licensing Team.

Mr Wright stated that it would be good to get more engagement with the trade in future as they would come up with solutions. It was important to note that whatever regulations were put on to the trade they were done for safety reasons but if they were not thought through it could end up hindering safety therefore, he suggested more ongoing dialogue with the trade.

The Cabinet Member referred to the earlier comment that drivers shopped around between authorities and stated that having common standards would stop this as he had seen a case where a driver had been refused at Ipswich and applied here but was also refused. He acknowledged that Covid had meant that a lot of drivers had switched to deliveries and left the trade. He suggested

the Committee might be minded to recommend the introduction of grants to purchase electric vehicles as it had been shown elsewhere that this had resulted in the numbers increasing significantly.

In response to some of the comments made during the discussions, the Licensing Manager and Housing Lead Lawyer clarified that:

- There had been 589 licensed drivers before Covid and there were now 554, a drop of 35, however, there were currently 40 live applications so if these were all granted then there would be more drivers than before lockdown. **CLERK'S NOTE:** It was clarified after the meeting that there were now 63 live applications.
- When a vulnerable person got into a taxi they saw the badge and assumed the driver was a fit and proper person that could be trusted.
- People could pass a driving test at 17 without taking any other tests, so if drivers were not tested by the Council, the Council could not certify they drove to a good standard and this formed part of the fit and proper person test.
- Over the years, there had been several child exploitation cases elsewhere in the country involving drivers, so the purpose of the course was to ensure that did not happen at East Suffolk.
- New applicants had a 2 day course costing £160 whereas existing drivers took a half day course for £45 but this could be changed if the Licensing Committee felt it necessary.
- Customer standards were a floor not a ceiling and the Council wanted to make sure that operators operated to that minimum standard.
- Applications typically took 3-6 weeks.
- Uber drivers were no different to anyone else and if they applied to East Suffolk they would be held to exactly the same standards as any other private hire operator. It was not for the Licensing Authority to dictate the market as it was up to the customers to decide who they used but it was the Council's job to ensure that drivers and operators were fit and proper persons.
- It would be really helpful to have an additional Licensing Enforcement Officer as East Suffolk was a large district with currently only one Enforcement Officer.
- The Licensing Authority regulated drivers not passengers and there might be data protection issues for collecting abusive customer names, however, this was a policy issue for the Licensing Committee. Any assault or abuse by a passenger should be reported to the Police.
- The increase in conditions was mainly due to the standards introduced during the pandemic which was a matter for the Government and Members.

The Senior Licensing Officer clarified that the standards had been introduced in July 2020 and the Licensing Committee had approved most of the recommendations because the Government had said there needed to be a really good reason for not doing so, which was why the Council now had the conditions it had. She added that the Team had also attended the course and, whilst she acknowledged it could perhaps be shortened, it had been very good.

The Chair invited any last questions from the Committee. In response to questions from Councillors Gooch and Grey, Ms Lock acknowledged that her company had had to refuse a lot of work including County Council work. She added that workloads fluctuated but she estimated that her company needed another 20/30 drivers. She suggested that the Licensing Authority should help drivers get licences quicker and incentivise them to come back to the trade because work was available. Mr Wright pointed out that the demand would only increase as the population aged and more vulnerable people came out of care. He added that it was pointless putting drivers of those with

special needs through the same training if they were on a fixed route for example and doing so increased the costs to the County Councils which meant they provided less of a service.

Councillors Bennett and Noble asked what the most helpful thing this Council could do to attract more drivers to the industry, especially young ones and both Ms Lock and Mr Wright suggested the required training be reviewed as a lot of it was not relevant and two days was too much.

In response to queries from Councillor Gooch and Grey, the Licensing Manager and Housing Lead Lawyer stated that the course was designed by a safeguarding expert and was used by all the districts in Suffolk. The fee was charged by the course operator not the Council and if the Licensing Committee wished, they could choose to offer grants to help with the costs.

Following a query from the Chair, Ms Lock confirmed that her cabs did have a panic button and this would override the operating systems until cleared by the driver or the operator once they were satisfied the drivers was okay.

Councillor Ewart, Assistant Cabinet Member, stated that best practice should be followed but the Council could develop industry pride and perhaps champion electric vehicles to attract a new cohort of drivers. She added that it might be worthwhile teaching people how to drive because it was so expensive.

There being no further questions, the Chair opened up debate and the Committee suggested recommendations relating to streamlining processes, particularly the 2 day training course; investigating ways to alleviate the financial burden for applicants; and increasing enforcement capacity.

The Democratic Services Officer clarified that any recommendations would need to be made to the Licensing Committee rather than Cabinet.

On the proposition of Councillor Grey, seconded by Councillor Bennett, it was

RESOLVED

That the Scrutiny Committee finalise the recommendations outside of the meeting via email.

CLERK'S NOTE: The Scrutiny Committee subsequently agreed the following resolution by email:

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 Licence 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.