

**Manchester City Council  
Report for Information**

**Report To:** Licensing and Appeals Committee  
**Subject:** Taxi Licensing Quarterly report: Qtr 1 2016/17  
**Report of:** Head of Building Control, Planning and Licensing

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**Summary**

To inform the Committee of the work undertaken by the taxi licensing processing team during Qtr 1 2016/17 (April – June 2016)

**Recommendations**

That Members note the report.

That Members agree that Panel and Sub-Committee data is provided within a wider Compliance quarterly report in future.

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**Wards Affected: All**

<b>Community Strategy Spine</b>	<b>Summary of the contribution to the strategy</b>
Performance of the economy of the region and sub region	Effective and well regulated licensing of drivers, vehicles and proprietors supports a higher standard of public transport offer to visitors and residents of the City, which in turn supports the economic vision for Manchester.
Reaching full potential in education and employment	Supporting applicants to gain employment
Individual and collective self esteem – mutual respect	Not applicable to the contents of this report
Neighbourhoods of Choice	Effectively applying regulations to the licensing of drivers, vehicles and proprietors to ensure those working and providing modes of transport within the City are of a high standard.

**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
  - Risk Management
  - Legal Considerations
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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

Name: Ann Marku

Position: Principal Licensing Officer

Telephone: 801 36291

E-mail: a.marku@manchester.gov.uk

Name: Danielle Doyle

Position: Licensing Unit Manager

Telephone: 801 34962

E-mail: d.doyle@manchester.gov.uk

## **1.0 Introduction**

- 1.1 The Licensing Unit deals with approximately 11,000 hackney carriage and private hire applications each year. This report provides details, on a quarterly basis, of the work undertaken by and performance of the taxi licensing processing team.
- 1.2 This report details:
- Number of and type of applications processed within the team
  - Number of new driver applicants who have taken the taxi licensing knowledge test during the same period and the subsequent results
  - Number of private hire and hackney carriage vehicles inspections and pass and fail rates
  - Number of cases referred to the Senior Officer Licensing Panel (the panel) and the subsequent decisions
  - Number of cases referred to Licensing and Appeals Sub-committee (the Sub-Committee) and the subsequent decisions.
  - Brief overview of cases where the decision taken by the Panel or Sub-Committee were not in line with the Council's Policy.

## **2.0 Background**

- 2.1 Under the local Government (Miscellaneous Provisions) Act 1976 the Council has the authority to:
- Grant private hire and hackney carriage driver licences to persons who are deemed to be 'Fit and Proper'.
  - Grant hackney carriage and private hire vehicle proprietor licences for vehicles that are deemed suitable.
  - Grant private hire operator licences to persons who are suitable
- 2.2 The overriding priority of the Council is public safety.

### Driver Application

Where on a new or renewal application (or during the currency of a licence) an individual has any convictions, cautions or other matters that require further consideration these are, under the delegated authority of the Council, referred to either The Panel or Sub-Committee.

### Vehicle Application

The proprietor of a hackney carriage or private hire vehicle must purchase a vehicle that complies with the Manchester Conditions of Fitness and associated policies and must maintain the vehicle in such a condition so that it would, at any time, during the currency of the licence pass the Manchester vehicle inspection.

### Private Hire Operator

The Operator must be a suitable person and the premises in which the business is to be run must also be suitable. Planning permission is normally required for a person to run a private hire operator business.

- 2.3 Where there are no issues applications are processed by the taxi licensing administration team. Where there are issues with an application, the matter is referred to a Principal Licensing Officer who, depending on the circumstances, will refer the matter to either The Panel or a Sub-Committee
- 2.4 The Panel consists of a Senior Officer (normally the Licensing Unit Manager or a Principal Licensing Officer) accompanied by a legal adviser from City Solicitor's office. Applicants are invited to a panel hearing, where a solicitor, trade union representative or friend, may accompany them or speak on their behalf.
- 2.5 The Sub-Committee consists of three Councillors selected from the full Licensing and Appeals Committee accompanied by a legal adviser from City Solicitor's office and a Governance Officer. Applicants are invited to a Sub-Committee Hearing, and may be accompanied by a solicitor, trade union representative or friend, to accompany them or speak on their behalf.
- 2.6.1 Where applicants are aggrieved by the decision of the Panel, or Sub-Committee to refuse, revoke or suspend a licence they have the right of appeal to the Magistrates' Court.
- 2.7 The Licensing Unit is migrating the records of the taxi processing and compliance functions onto a new case management system, Uniform. Work is being done to collate additional performance data. It is envisaged that future reports can provided to include:
- Taxi licensing outputs broken down further by licence type category
  - Quarterly and/or yearly data comparisons
  - Average waiting times for processing applications by type
- 2.8 A review of the Panel team function is also taking place. The officers drafting Panel and Sub-Committee reports are currently managed by the Principle Licensing Officer over the Taxi Processing team. It is considered more appropriate to report the outputs of this function alongside other compliance outputs, and therefore it is recommended that this performance data be included in future quarterly Compliance Team reports.

### 3.0 Taxi Licensing Team Outputs

#### 3.1 Table 1 - Number and type of applications processed in Qtr 1 16/17

2016	Driver	Vehicle	Operator	DBS	Totals
April	578	282	2	213	1357
May	723	431	2	240	1827
June	420	348	1	229	1346

#### 3.2 Table 2 – Number of applicants who have taken the taxi licensing knowledge test and the subsequent results in Qtr 1 16/17

2016	Booked		DNA		Passed		Failed	
	PH	HC	PH	HC	PH	HC	PH	HC
April	37	40	4	5	5	3	27	32
May	50	45	2	6	6	11	39	28
June	46	46	7	6	2	6	39	34
<b>Totals</b>	133	131	13	17	13	20	105	94

#### 3.3 Table 3 – Vehicle Inspection pass and fail rates in Qtr 1 16/17

MONTH	Total Tests	HACKNEY CARRIAGE 2016/17				PRIVATE HIRE 2016/17			
		FAIL	PASS	DNA 4/6/8 mth	DNA Annual	FAIL	PASS	DNA 4/6/8 mth	DNA Annual
April	953	165	78	17	5	264	350	49	22
May	903	151	89	13	8	246	324	44	27
June	980	158	91	11	5	259	385	52	17
<b>TOTALS</b>	<b>2836</b>	<b>474</b>	<b>258</b>	<b>41</b>	<b>18</b>	<b>769</b>	<b>1059</b>	<b>108</b>	<b>66</b>

#### 3.4 Table 4 – Summary of cases referred to the Panel and outcomes Qtr 1 16/17

Panel												
Offence Category	New Application				Current Licence Holder				Renewal			Total
	Granted	Granted with Warning	Refused to Grant	No Further Action Taken	Warning Given	Revoked	Suspended	Granted	Warning	Refused		
Dishonesty	0	1	2	0	1	1	0	0	0	1	6	
Major Motor Offence	0	1	4	0	1	2	1	0	2	2	13	
Intermediate Motor Offence	0	0	0	0	1	0	0	0	5	0	6	
Totting Up	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	<b>0</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>7</b>	<b>3</b>	<b>25</b>	
Appeal	0	0	0	0	0	0	0	0	0	0	0	

3.5 Table 5 - Summary of cases referred to Licensing and Appeals Sub-Committee and outcomes Qtr 1 16/17

Sub Committee													
Offence Category	New Application				Current Licence Holder				Renewal			Total	
	Granted	Granted with Warning	Refused to Grant	No Further Action Taken	Warning Given	Revoked	Suspended	Granted	Warning	Refused			
Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offence	0	0	0	0	0	2	0	0	0	0	2	4	4
Violence	0	1	1	0	2	2	0	0	2	3	11	11	11
DBS Info	0	0	0	0	0	0	0	0	0	0	0	0	0
Dishonesty	0	0	0	0	0	0	0	0	0	0	0	0	0
Totting Up	0	0	1	0	0	0	0	0	0	0	0	1	1
IN10 /Ply for Hire and Complaints	0	0	0	0	0	4	0	0	0	1	5	5	5
Miscellaneous	0	1	0	0	0	0	0	0	0	0	0	1	1
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>22</b>	<b>22</b>	<b>22</b>

4. Panel and Sub-Committees

4.1 The following paragraphs provide a brief overview of cases and decisions taken by the Panel or Sub-Committee that were made outside of the Council's Statement of Policy and Guidelines in relation to the relevance of convictions, formal cautions, complaints and/or other matters.

With each case, the Panel or Sub-Committee take into consideration the content of the report, any additional evidence presented at the hearing and statements made by all representatives.

The 'Reason' stated in each case is the presenting issue that prompted the referral to either Panel or Sub-Committee. The explanation provides as much information as possible, without providing specific details.

4.2 Dishonesty – (2) Senior Officer Licensing Panel

(1) Application for a new private hire driver licence

**Reason:** Assisting illegal entry into the UK

**Decision:** Granted with a warning as to future conduct

**Explanation:** This matter related to an immigration issue. Whilst it is acknowledged that such issues must be viewed seriously, the Committee on hearing the circumstances were happy that this was an isolated matter and that the matter was not a serious breach of the immigration regulations.

(2) Review of a private hire driver licence

**Reason:** Engage in commercial practice' – enforced via the Consumer Trading Regulations

**Decision:** Warning as to future conduct

**Explanation:** This matter related to a breach of trading regulations. The applicant although not directly responsible, had been held responsible as director of the Company. The applicant had fully declared the conviction, which was within one week of being outside of the guidelines.

#### 4.3 Major Motoring Offence (4) – Senior Officer Licensing Panel

(1) Application for a new hackney carriage driver licence

**Reason:** TT99 (totting up)

**Decision:** Granted with a warning

**Explanation:** This matter relates to a totting up conviction. Where a driver has 12 or more penalty points on a dvla licence this equates to a TT99 conviction, and is normally associated with a period of disqualification. The offences had occurred when the applicant was young and were nearly outside of the Councils guidelines.

(2) Review of a hackney carriage driver licence

**Reason:** SP50 (exceeding the statutory speed limit on a motorway)

**Decision:** Warning Issued as to future manner of driving

**Explanation:** The offence had occurred when the driver was, stopped by the police for exceeding the speed limit on the motorway. The driver had admitted the offence and was remorseful.

(3) Application for the renewal of a private hire driver licence

**Reason:** MS90 (failure to give information as to the identity of a driver)

**Decision:** Grant with a warning

**Explanation:** The offence occurred following the sale of a vehicle. Due to the new owner details not been sent to dvla the applicant was convicted of an MS90 (failing to notify the driver of a vehicle). The applicant provided documentary evidence of an appeal against the conviction.

- (4) Application for the renewal of a hackney carriage driver licence

**Reason:** IN10 (using a vehicle uninsured against third party risks)

**Decision:** Grant with a warning

**Explanation:** This offence occurred due to the applicant's lack of knowledge as to the terms of an insurance policy, when asked to drive a family member's car. This led to an IN10 (fixed penalty). The issuing of a fixed penalty indicated that the police did not view the circumstances to be such that a court appearance was warranted.

4.4 Intermediate Motoring Offence (6) – Senior Officer Licensing Panel

- (1) Review of a private hire driver licence

**Reason:** 2 x SP30 (exceeding the statutory speed limit on a public road) within a twenty-five day period

**Decision:** Issued a warning as to future manner of driving

**Explanation:** This offence occurred when the speed limit on a public road had been breached on two separate occasions. On both occasions the driver was not driving private hire vehicles and stated they had been distracted whilst driving. The Panel also took into account that the driver had accepted the convictions and subsequent points.

- (2) Application for the renewal of a hackney carriage driver licence

**Reason:** SP30 (exceeding the statutory speed limit on a public road) and a SP50 (exceeding the statutory speed limit on a motorway), both within 2 months

**Decision:** Grant with an official warning as to future conduct

**Explanation:** These driving offences occurred when the applicant exceeded the statutory speed limit on a public road (SP30) The second offence occurred when a speed limit on the motorway was exceeded. The applicant admitted to the offences, was remorseful and had accepted the resultant penalties.

- (3) Application for the renewal of a private hire driver licence

**Reason:** 2 x SP30 (exceeding the statutory speed limit on a public road) convictions within a five day period.

**Decision:** Renewal granted with a warning as to future conduct.

**Explanation:** The offences had occurred in 2015, as a result of a speed camera. There had been no further incidents since.



- (4) Application for the renewal of a private hire driver licence

**Reason:** 2 x SP30 (exceeding the statutory speed limit) convictions within a 36 day period.

**Decision:** Granted with a warning as to future conduct

**Explanation:** The applicant, on both occasions, whilst driving was caught by a speed camera after marginally exceeding the statutory speed limit. The applicant declared the convictions immediately and was remorseful.

- (5) Application for the renewal of a private hire driver licence

**Reason:** SP30 (exceeding the statutory speed limit on a public road) and an additional undeclared conviction SP50 (exceeding the statutory speed limit on a motorway)

**Decision:** Granted with a warning as to future conduct

**Explanation:** The traffic offences were committed; whilst the driver was distracted by domestic issues at home.

- (6) Application for the renewal of a private hire driver licence

**Reason:** 2 x SP50 (exceeding the statutory speed limit on a motorway) convictions

**Decision:** Granted with a warning as to future conduct

**Explanation:** These speeding offences occurred after a minibus was fitted with alternative tyres, which may have increased the speed slightly of the vehicle without necessarily reflecting on the speedometer. The applicant was using the speed cruise facility at the time of the offence, which he stated he has not used since.

4.5 Totting Up – Senior Officer Licensing Panel (0)

4.6 Violent Offences – Licensing and Appeals Sub-Committee (4)

- (1) Application for the renewal of a hackney carriage driver licence

**Reason:** Convictions for battery and damage to property (same incident)

**Decision:** Granted with a warning as to future conduct

**Explanation:** This conviction resulted from a domestic dispute. The Committee took into account the full circumstances presented at the meeting, that the matter was an isolated one and neither party sustained any injuries. The property damaged was a mobile phone that was thrown on the floor and

broke. The parties were still together having resolved there earlier issues.

- (2) Application for the renewal of a private hire driver licence

**Reason:** Caution for criminal damage

**Decision:** Granted with a warning as to future conduct

**Explanation:** The caution was given following a domestic dispute and the damage was to a mobile phone. The police had given a caution for criminal damage and had chosen not to take the matter before the court. The Committee also took into consideration that the caution for criminal damage was inside the statement of policy, however after hearing the circumstances of the case, the Committee concluded that it could depart from the policy and treat the matter as an isolated incident.

- (3) Review of a hackney carriage driver licence

**Reason:** Caution for assault

**Decision:** Take no further action but issue an official warning as to future conduct

**Explanation:** This matter was a domestic dispute, which involved a couple and an ex-partner. An incident occurred with both parties making claims against the other. The Committee took into account the provocation which led to the incident of spitting at the said driver's ex partner for which a caution was accepted. The Committee was satisfied it was an isolated incident which was minor in nature and out of character for the driver who had a record free of convictions, cautions and complaints. The Committee did not consider there was any threat to members of the public and were therefore satisfied the driver was a fit and proper person to hold a licence.

- (4) Review of a private hire driver licence

**Reason:** Caution for assault

**Decision:** Take no further action but an official warning as to future conduct

**Explanation:** This matter came about following a domestic dispute. There were no injuries to either party. A caution was accepted. The Committee noted that the circumstances which led to the caution were unusual and precipitated the breakdown of a marriage. It was an isolated incident and out of character for the driver whose driver record was free of convictions and complaints. The Committee did not consider that there was a risk to members of the public and considered the driver a fit and proper person to hold a licence.

- 4.7 Sex offences – Sub-Committee (0)

- 4.8 Dishonesty – Sub-Committee (0)

4.9 Disclosure and Barring Service (DBS) Enhanced Certificate – Sub-Committee (0)

4.10 Drugs (1) – Sub-Committee

- (1) Application for a new private hire driver licence

**Reason:** Caution for possession of cannabis and a conviction of taking a vehicle without consent

**Decision:** Granted with a warning regarding future conduct

**Explanation:** This offence occurred after a relative's car had been taken without consent. A small amount of cannabis had been found in the vehicle. The caution given by the police would indicate that the offence was not serious enough to warrant an appearance at court. The Committee acknowledged that the applicant had other convictions that fell outside of the Council's Statement of Policy. With regard to these offences the committee considered the sentences imposed and noted that all of them bar one were committed when the applicant was a juvenile. In light of those factors the Committee felt it could depart from the guidelines.

4.11 Miscellaneous Major motoring (1) - Sub-Committee

- (1) Application for a new private hire driver licence

**Reason:** TT99 (totting up) conviction and a disqualification

**Decision:** Grant the licence with a warning, subject to the satisfactory completion of all required licensing checks

**Explanation:** This offence occurred when 12 or more points were received on a dvla licence. This subsequently led to a TT99 (totting up) conviction and a driver licence disqualification. The Committee took into account the nature of the offence which led to the disqualification of the applicant's driver licence and the evidence provided that demonstrated his difficulty in receiving post. In the circumstances the Committee considered the applicant to be a fit and proper person and that it was appropriate to depart from the policy.

## 5 Appeals

There were 3 appeals lodges against Panel or Sub-Committee decisions in this quarter:

- (1) Review of a hackney carriage driver licence – revoked at the Sub-Committee 19 April 2016.

Driver appeared before the Sub-Committee regarding complaints the Licensing Unit had received from passengers and Compliance Officers. Appeal lodged and listed to be heard on 2 September 2016 at Manchester and

Salford Magistrates Court. An update will be provided at the meeting

- (2) New application for a hackney carriage driver licence – refused at the Licensing and Appeals Sub-Committee 19 April 2016.

Applicant appeared before the Licensing and Appeals Sub-Committee in respect of undeclared criminal convictions for violence.

Appeal lodged and adjourned – relisted to be heard 22 July 2016 at Manchester and Salford Magistrates Court. An update will be provided at the meeting

- (3) Review of a private hire driver licence – revoked at the Sub-Committee 21 April 2016.

Driver appeared before the Sub-Committee as a result of information disclosed at the discretion of the Chief Police Officer (contained on the DBS certificate) regarding an allegation of rape.

Appeal lodged and listed to be heard on 8 August 2016 at Manchester and Salford Magistrates Court. An update will be provided at the meeting.

## **6. Conclusion**

- 6.1 The report has provided a summary of the activity of the Taxi Licensing Team in Quarter 1 of 2016/17 (April – June 2016). The information provides Members with an update and overview of the number of applications being processed and the decisions made in respect of those applications.
- 6.2 It is recommended that Panel and Sub-Committee data is provided within a wider Compliance quarterly report the in future.