

**Manchester City Council
Report for Information**

Report to: Neighbourhoods and Environment Scrutiny Committee – 6
September 2017

Subject: Taxi Licensing Enforcement

Report of: Head of Planning, Building Control and Licensing

Summary

This report provides an overview of the current remit and regulatory approach of the Taxi Compliance Team within the Licensing Unit. It details current use of powers and outputs, and reflects on some of the challenges facing the industry and the City in terms of recent legislative changes, with consideration of the next steps required to meet some of those challenges.

Recommendations

That Committee note the report.

Wards Affected: All

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

None

Manchester Strategy Outcomes	Summary of the contribution to the strategy
<p>A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities</p>	<p>Demands and encourages compliance with legal requirements, therefore raises standards and public confidence in licensed vehicles with the potential to increase the public use of these services which benefits the City economy. Supports a safer night time economy in the City for visitors and residents as part of the overall transport offer.</p>
<p>A highly skilled city: world class and home grown talent sustaining the city's economic success</p>	<p>Effective regulation of Manchester licensed taxi and private hire drivers raises the standards of those operating within this part of the public transport industry, and promotes a world class fleet.</p>
<p>A progressive and equitable city: making a positive contribution by unlocking the potential of our communities</p>	<p>Manchester strives to have a world class taxi fleet that promotes equality and confidence to those living in, working in and visiting our City.</p>
<p>A liveable and low carbon city: a destination of choice to live, visit and work.</p>	<p>Effective regulation of vehicle conditions ensures compliance with current emissions policies. Compliance activity provides a visible and reassuring presence to the public and serves to deter non-compliant and illegal taxi activity. All activity aims to ensure public safety and support Manchester as safe destination that people choose to live, visit and work in.</p>
<p>A connected city: world class infrastructure and connectivity to drive growth</p>	<p>An effective compliance regime supports the ambition for a world class fleet and one that will assist economic growth.</p>

1.0 Background

- 1.1 In January 2016, as part of the wider Neighbourhoods Services redesign, a number of functions of the Licensing Unit's Compliance Team were transferred to the newly created Licensing and Out of Hours Team (LOOH), namely responsibility for enforcement on licensed premises and street trading. By the end of 2016, gambling premises and sex establishment enforcement were also transferred to the LOOH team. This meant that the Compliance Team within the Licensing Unit became solely responsible for compliance and enforcement activity around Taxi Licensing.
- 1.2 The Licensing Unit currently licence over 6,500 drivers and around 4,000 vehicles in Manchester. Whilst we are unsure as to the number of vehicles working in Manchester at any one time, the Taxi Compliance Team estimate that at least 50% of vehicles working in the City over a weekend are licensed by another authority and that the number is rising. This is borne out anecdotally by Manchester licensed drivers who complain weekly about the volume of 'out of town' vehicles in Manchester.
- 1.3 Vehicles from other authorities can work legitimately in the City following the Deregulation Act changes that commenced in October 2015, allowing private hire operators to sub-contract bookings to other operators within different districts. Furthermore, vehicles licensed as Hackney Carriages by another authority may legally carry out Private Hire work within another area. The Unit's Taxi Compliance Officers have the power to prosecute any driver found to be committing a criminal offence within the City's boundary, but otherwise have to refer the matter back to the relevant authority for potential action against the Driver's licence. The Taxi Compliance Officers do not have the authority to take action with regards to any vehicle offences on vehicles licensed by another authority.
- 1.4 The volume of vehicles & drivers, and the presence of such a large number licensed by other authorities, brings with it a number of challenges for Manchester and the Taxi Compliance Team. Other authorities have different vehicle and driver policies with varying standards and assessment criteria. For example, vehicles licensed as Hackney Carriages in other local authorities can be any type of saloon car and therefore we see a wide variety of model and colour of vehicles in Manchester carrying out private hire bookings, often in a vehicle that also carries a hire light on the top. This can be confusing for customers and, alongside the sheer volume of vehicles present in the City, brings a much larger potential for drivers to illegally ply for hire. Furthermore, vehicles licensed by other authorities with a different colour policy has diluted the safeguarding impact of Manchester's Colour Policy which Members will know was introduced to ensure the public could easily identify a licensed Private Hire Vehicle.
- 1.5 Trying to maintain Manchester's high standards and safeguard the public has become much more challenging over the past 18 months. Tackling illegal plying for hire, and upholding Manchester's policy standards for vehicles and drivers licensed by Manchester are our key compliance priorities.

2.0 Approach

- 2.1 Most of the Taxi Compliance Team workload is generated through proactive work undertaken by the officers. However, the number of cases generated through complaints/reports received about drivers is also steadily increasing.
- 2.2 The main purpose of proactive work is to check that drivers of taxis and private hire vehicles working in the City are licensed, and that Manchester licensed vehicles are compliant with all licence conditions. Officers will visit hotspots within the City where there are known to be particular issues, for example; high footfall areas where illegal ply for hire is more likely, streets with issues around illegal ranking and locations with private hire plotting/waiting complaints. Officers look for non-licensed vehicles working or posing as taxis/private hire and proactively look for known drivers/vehicles that have been suspended or they've received intelligence on.
- 2.3 The Licensing Unit is working with colleagues in wider Neighbourhood Services and partner agencies on a more integrated approach in the City. Sharing knowledge and basic awareness with colleagues provides for a more holistic approach to enforcement from a wider team of officers working during the night time economy, and provides opportunities for more effective safeguarding through broadening the available resource able to gather intelligence, conduct basic challenges to driver behaviour and disrupt illegal ply for hire activity. The Taxi Compliance team also work closely in partnership with Greater Manchester Police on specific operations (further detailed below in section 8) and sharing relevant information.
- 2.4 The vast majority of statutory notices served and prosecution cases originate from work that officers conduct proactively, mainly on night shifts. When officers detect a breach of licence condition or by-law, they immediately issue the relevant notice requiring the driver/proprietor to take action either within a specified period, or suspending a vehicle licence with immediate effect. Similarly upon detection of a driver offence, where necessary and possible, officers conduct PACE interviews on site or at a later agreed date and prepare cases for prosecution.
- 2.5 The Licensing Unit also aims to achieve compliance by taking a more preventative approach through more effective training and coaching of applicants and licensed drivers, ensuring they understand their responsibilities and the consequences of non-compliance. A full review of the Driver training process began in July 2017, with the commissioning of the Manchester College to update the Driver Test, and is expected to be completed over the next 12 months. The Unit is working to further improve communications and work more effectively in partnership with the Trade, Operators and other local authorities to achieve greater compliance and information/intelligence sharing.

3.0 Investigating Complaints

- 3.1 Officers investigate reports and complaints about drivers from customers and other drivers either directly via email, or via the Council's website. All

complaints are investigated with licence holders (where permission is required by the complainant, this is sought prior to investigations proceeding), who are given the opportunity to respond to any allegations made against them. All complaints are recorded against licence holder records, noting both the allegation and drivers response, where we are satisfied that drivers have been correctly identified.

3.2 Complaints result in one of the following outcomes:

- No further action (generally due to a lack of evidence or complainant/witness not supporting action)
- Advice given
- Formal Warning
- Referral to Officer Panel or Sub-Committee
- Prosecution

3.3 The table below shows the number of complaints received by quarter and broken down by complaint category. Whilst our long term objective is to work with the trade to ensure higher standards of compliance and customer service and ultimately reduce the number of complaints from residents and visitors to the City, we expect to see a continual rise in complaints received over the next 12 months. This is because service improvements aim to:

- Ensure the wider public are more aware of how to report and find it more accessible– particularly with regards to disability related issues
- Improve response, investigation times and quality that could result in more complaints as people see more value in doing so.

Table 1: Complaints received by Qtr & comparisons:

Complaint Category	Qtr 4 (15/16)	Qtr 1 (16/17)	Qtr 2 (16/17)	Qtr 3 (16/17)	Qtr 4 (16/17)	Qtr 1 (17/18)	Total
Behaviour/ Conduct	24	12	34	40	15	23	148
Fare / Route / Meter issue	27	40	59	58	68	63	315
Driving Manner	23	9	7	6	5	8	58
Refusal of Hire	5	6	10	13	9	12	55
Other Traffic matters	11	12	37	88	83	82	313
Illegal Ply	3	0	6	16	9	10	44
Driver Knowledge	5	6	1	6	1	6	25
Disability Issue	3	4	2	4	2	1	16
Operator/Booking issue	4	4	9	6	16	10	49
Driver dispute	3	2	6	5	11	6	33
Other	18	8	26	44	36	21	153
Total	126	103	197	286	255	242	1209

3.4 Reporting on outcome data from complaints investigations is not yet available, but will become available by virtue of the new software (UNiform) system. A

new compliance case management module within this system is currently being tested, and once live (scheduled September 2017) will begin to record this information.

4.0 Proactive Checks, Investigations & Operations

4.1 Routine checks are carried out on both day & night shifts at various locations across the City, including railway stations, the airport, hospitals and supermarkets. Every vehicle interaction shown in the tables below also includes a driver check.

Table 2 – Proactive checks conducted by Qtr:

Vehicle & Driver Type	Qtr 4 (15/16)	Qtr 1 (16/17)	Qtr 2 (16/17)	Qtr 3 (16/17)	Qtr 4 (16/17)	Qtr 1 (17/18)	Total	% of total
Manchester Hackney	665	322	543	285	283	465	2563	29%
Mcr Private Hire	691	633	744	414	437	575	3494	39%
Other Vehicles (Working) in Mcr	231	275	304	196	236	231	1473	17%
Other Vehicles (Visiting) Mcr	193	170	262	203	229	267	1324	15%
Total	1780	1400	1853	1098	1185	1538	8854	100%

4.2 Proactive checks and investigations can result in one of the following outcomes:

- Advice given
- Formal warning
- Compliance Notice
- Suspension Notice
- FPN
- Referral to Sub-Committee
- Prosecution

4.3 When vehicles from other authorities are suspected of illegally plying for hire or committing offences outside of Manchester's jurisdiction, information is passed to relevant authorities. Officers from neighbouring GM authorities and Rossendale do work on in Manchester on occasion, targeting their drivers. Whilst some information is fed back, there is currently no formal process for reporting what action (if any) has been taken. With the increase in issues relating to vehicles and drivers from other authorities, it is now timely to consider working more collaboratively with GM authorities in the first instance to address these emerging issues.

5.0 Notices

5.1 Officers issue Notices on site following a proactive check of a licensed vehicle & driver. Whilst the number of proactive checks conducted has remained fairly static at between 400-500 per month, the number of resultant Notices issued has decreased over time indicating greater compliance with regulations, conditions and by-laws. The data also shows that significantly fewer Notices are served on Hackney Carriage vehicles and drivers in comparison to Private Hire, despite the number of checks conducted being fairly similar, indicating a much higher standard of compliance within the Hackney Carriage fleet and trade. The tables below provide a breakdown of the Notices issued by quarter and by defect type:

Table 3 – Notices issued by Qtr in the last 15 months:

	Compliance Notice		Suspension Notice		Total
	PH	HC	PH	HC	
Qtr 1 (2016/17)	19	7	33	3	62
Qtr 2 (2016/17)	18	0	18	2	38
Qtr 3 (2016/17)	17	1	19	5	42
Qtr 4 (2016/17)	2	1	22	6	31
Qtr 1 (2017/18)	6	0	13	2	21
Total	62	9	105	18	194

Table 4 – Notices issued by defect type in the last 15 months:

	Compliance Notice		Suspension Notice		Total
	PH	HC	PH	HC	
Tyres	2	1	10	7	20
Bodywork / Interior	16	2	14	5	37
Electrical	3	4	2	2	11
Mechanical	0	0	0	1	1
Cond / Byelaws	39	1	68	1	109
Other	2	1	11	2	16
Total	62	9	105	18	194

5.2 Fixed Penalty Notices (FPNs)

FPNs are issued on the spot as part of proactive investigations to drivers caught smoking in a licensed vehicle, including drivers licensed by other authorities who are visiting or working within the City boundaries (although this information isn't currently recorded separately).

Table 5 – FPNs issued by Qtr

FPNs issued	Qtr 1 (16/17)	Qtr 2 (16/17)	Qtr 3 (16/17)	Qtr 4 (16/17)	Qtr 1 (17/18)	Total
Total	17	11	19	19	18	84

6.0 Prosecutions

6.1 Prosecution cases, on average take anything between 6 to 12 months to be concluded at Court. The most common offence types are:

- Ply for hire (and associated no insurance charge)
- Unlicensed
- Failure to wear ID
- Refusal to hire / carry passengers

6.2 The Committee and trade representatives have identified that illegal ply for hire is a priority for the City. The table below is a breakdown of referrals made by the compliance team for prosecution, identifying how many of those cases are for illegally plying for hire.

Table 5 – Summary of prosecutions by Qtr

	Cases referred for legal action	Number of which successful (to date)	Number of which for Ply for Hire
Jan – Dec 2015	26	24	18
Total 2015	26	24	18
Qtr 4 15/16 (Jan – Mar 2016)	10	9	7
Qtr 1 16/17 (Apr – June 2016)	13	13	11
Qtr 2 16/17 (July – Sept 2016)	18	14	10
Qtr 3 16/17 (Oct – Dec 2016)	17	14	16
Qtr 4 16/17 (Jan – Mar 2017)	19	10	14
Qtr 1 17/18 (Apr – June 2017)	7	0	7
Total	84	60	65

7.0 Senior Officer Panels & Licensing & Appeals Sub-Committees

7.1 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.

7.2 The Panel consists of a Senior Officer (normally a Principal Licensing Officer or the Licensing Unit Manager) 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.

7.3 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.

- 7.4 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.
- 7.5 The tables below show the number of cases referred to either Panel or Sub-Committee within Qtr 2 16/17 (July – Sept 2016) & Qtr 3 16/17 (Oct – Dec 2016), broken down by offence category and detailing the outcomes:

Table 6 – Summary of cases referred to Panel & outcomes Qtr 2 16/17

Senior Officer Licensing Panel											
Offence Category	New Application			Current Licence Holder				Renewal			Total
	Granted	Granted with Refused to Grant	Refused to Grant	No Further Action Taken	Warning Given	Revoked	Suspended	Granted	Granted with Refused	Refused	
Dishonesty	0	1	4	0	0	0	0	0	1	1	7
Major Motor Offence	0	0	1	0	3	0	0	0	1	3	8
Intermediate Motor Offence	0	0	1	0	3	0	0	0	5	3	12
Totting Up	0	0	0	0	0	0	0	0	0	0	0
Total	0	1	6	0	6	0	0	0	7	7	27
Appeal	0	0	0	0	0	0	0	0	0	0	0

Table 7 – Summary of cases referred to Panel & outcomes Qtr 3 16/17

Senior Officer Licensing Panel											
Offence Category	New Application			Current Licence Holder				Renewal			Total
	Granted	Granted with Refused to Grant	Refused to Grant	No Further Action Taken	Warning Given	Revoked	Suspended	Granted	Granted with Refused	Refused	
Dishonesty	0	0	1	0	0	0	0	0	0		1
Major Motor Offence	0	1	1	0	0	0	0	0	0	1	3
Intermediate Motor Offence	0	0	0	0	1	0	1	0	1	0	3
Totting Up	0	0	0	0	0	0	0	0	0	0	0
Total	0	1	2	0	1	0	1	0	1	1	7
Appeal	0	0	0	0	0	0	0	0	0	1	1

Table 8 - Summary of cases referred to Licensing and Appeals Sub-Committee and outcomes Qtr 2 16/17

Sub Committee											
Offence Category	New Application			Current Licence Holder				Renewal			Total
	Granted	Granted with Refused to Grant	No Further Action Taken	Warning Given	Revoked	Suspended	Granted	Granted with Refused	Refused		
Drugs	0	0	0	0	0	0	0	0	0	0	0
Sex Offence	0	0	0	0	0	0	0	0	0	1	1
Violence	0	0	2	0	1	1	0	0	1	1	6
DBS Info	0	0	0	0	0	0	0	0	0	0	0
Dishonesty	0	0	0	0	0	0	0	0	0	0	0
Totting Up	0	0	0	0	0	0	0	0	0	0	0
IN10 /Ply for Hire & Complaints	0	1	1	0	0	2	0	0	1	2	7
Miscellaneous	0	0	2	0	1	2	0	0	0	1	6
Total	0	1	5	0	2	5	0	0	2	5	20

Table 9 - Summary of cases referred to Licensing and Appeals Sub-Committee and outcomes Qtr 3 16/17

Sub Committee											
Offence Category	New Application			Current Licence Holder				Renewal			Total
	Granted	Granted with Refused to Grant	No Further Action Taken	Warning Given	Revoked	Suspended	Granted	Granted with Refused	Refused		
Drugs	0	1	2	0	0	0	0	0	0	1	4
Sex Offence	0	1	1	0	0	0	0	0	0	0	2
Violence	0	0	2	0	1	2	0	0	0	1	6
DBS Info	0	0	0	0	0	0	0	0	0	0	0
Dishonesty	0	0	1	0	0	1	2	0	0	0	4
Totting Up	0	0	0	0	0	0	0	0	0	0	0
IN10 /Ply for Hire & Complaints	0	0	1	0	0	2	1	0	0	1	5
Miscellaneous	0	0	0	0	0	0	0	0	0	0	0
Total	0	2	7	0	1	5	3	0	0	3	21
Appeal	0	0	0	0	0	1	0	0	0	1	2

8.0 Operations

- 8.1 The Compliance Team participate in a number of joint agency operations targeting both the day and night time Hackney Carriage and Private Hire trades. The Committee will already be aware of Operation Aztec which takes place monthly at night with dedicated GMP Traffic Officers working alongside Compliance Officers. Vehicle Examiners from DVSA [Driver and Vehicle Standards Agency – formerly VOSA] also regularly attend these night time operations, and more recently enforcement officers from other authorities (including Rossendale) have been attending also.
- 8.2 Licensed vehicles are generally stopped at random at a chosen check site location. It is usual to work from different locations throughout the operation and the system is flexible so a check site can be shut down and moved very easily as necessary. Police patrol vehicles, both marked and un-marked are available and assigned to the operation and are used to carry out mobile working, targeting vehicles of interest. In addition to gathering evidence of criminal offences, vehicles and drivers found to have compliance issues are served relevant notices and follow up action is taken to ensure defects are rectified.
- 8.3 Compliance Officers work closely with GMP colleagues and therefore also organise and support GMP on ad hoc operations in key locations across the City, including the airport or in response to emerging issues.
- 8.4 The tables below set out the number of vehicles stopped & checked during the course of each operation.

Table 12 - Operation Aztec Outputs

	Date	Vehicle Licence Type				Total	Outputs		
		Manchester HC	Manchester PH	Other working in Manchester	Other visiting Manchester		Compliance Notice	Suspension Notice	Prosecution
Qtr 1 16/17	5 th Mar 16	39	37	16	6	98	5	3	0
	19 Mar 16	20	27	14	9	70	6	2	0
	28 May 16	10	61	42	16	129	1	6	1
	25 Jun 16	32	35	16	14	97	8	5	1
Qtr 2 16/17	23 Jul 16	42	34	8	11	95	8	4	0
	13 Aug 16	27	60	19	13	119	6	2	1
	20 Aug 16	28	12	2	1	43	0	0	2
	24 Sept 16	42	18	23	19	102	9	2	1
Qtr 3 16/17	15 Oct 16	42	180	23	19	264	9	2	1
	12 Nov 16	14	28	6	12	60	0	3	2
	3 Dec 16	59	163	60	36	318	7	11	0
	17 Dec 16	43	172	68	19	302	11	9	1
	23 Dec 16	13	13	6	9	41	0	0	1

Qtr 4 16/17	21 Jan 17	15	55	15	17	102	0	3	0
	11 Feb 17	29	47	23	9	108	11	8	1
	25 Mar 17	13	51	29	47	140	0	5	0
Qtr 1 17/18	No Aztec operations conducted due to restructuring within GMP								
Total		468	993	370	257	2088	81	65	12

Table 13 - Other Operation Outputs (All daytime weekday operations with GMP)

	Date	Location	Vehicle Licence Type				Total	Outputs		
			Manchester HC	Manchester PH	Other working in Manchester	Other visiting		Compliance Notice	Suspension Notice	Prosecution
Qtr 1 16/17	2 Mar 16	Oldham Rd	7	24	1	6	38	3	1	0
	8 Mar 16	Airport	3	10	4	15	32	2	0	0
	18 Mar 16	Airport	6	22	6	21	55	5	1	0
	20 May 16	Alan Turing Way	9	37	6	3	55	6	2	0
	15 Jun 16	Hough End	8	36	6	6	56	4	2	0
	16 Jun 16	Airport	9	23	45	68	145	7	3	0
	28 Jun 16	Oldham Rd	5	35	7	5	52	6	2	0
Qtr 2 16/17	14 July 16	Airport	7	40	9	58	114	4	2	0
Qtr 3 16/17	6 Oct 16	Airport	7	36	13	88	144	0	2	1
	23 Nov 16	Hough End	23	39	14	2	78	5	7	0
Qtr 4 16/17	17 Mar 17	Airport	3	31	0	46	80	0	5	0
Qtr 1 17/18	10 May 17	Hough End	32	76	43	16	167	7	9	0
Total			119	409	154	334	1016	59	36	1

9.0 Conclusion

- 9.1 The Taxi Compliance Service has seen a significant change over the past 18 months both in terms of the service remit, approach and procedures, and the challenges emerging within the industry as a result of legislative change.
- 9.2 A safe and high quality taxi & private hire fleet is a key component of a high quality public transport offer that supports the City's growth and night time economy. An effective taxi enforcement regime is integral to the delivery and promotion of those standards for residents and visitors to the City.
- 9.3 In order to look at the emerging challenges in more depth and consider how we can tackle them, a working group has been set up consisting of Licensing Unit Managers, Councillor Sarah Judge and the Principle Solicitor (Regulatory Services) to:

- review current use of powers and scope for more effective use
- review recent case law
- review current licence conditions
- consider policy changes

Whilst it is widely agreed that legislative reform is required within the Taxi & Private Hire industries, it appears unlikely that any changes will be forthcoming in the near future. In the shorter term, greater collaboration is required with GM authorities to tackle the problem holistically in the region and a move towards standardisation of policy and licence conditions would allow for more effective safeguarding, and benefit residents and visitors to the region as a whole.