



Licensing and Appeals Committee

Date: Monday, 10 September 2018

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

Membership of the Licensing and Appeals Committee

Councillors - Barrett, Chohan, Evans, Grimshaw, Hassan, J Hughes, Jeavons, T Judge, Ludford, S Lynch, McHale, Madeleine Monaghan, J Reid and Stone

Supplementary Agenda

- | | | |
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| 9. | Review of Hackney Carriage Vehicle Licence | 31 - 70 |

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Beth Morgan
Tel: 0161 234 3043
Email: b.morgan@manchester.gov.uk

This supplementary agenda was issued on **Friday, 31 August 2018** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 6, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA.

Manchester City Council
Report for Information and Resolution

Report to: Licensing and Appeals Committee – 10 September 2018

Subject: Taxi licensing Service Update

Report of: Head of Planning, Building Control and Licensing

Summary

The report seeks to update the Committee on key issues affecting service delivery, and how the Unit is responding to challenges and demand.

Recommendations

The Committee are asked to instruct officers as below:

1. To prepare further reports on:
 - Private Hire Operator Conditions - November 2018
 - Private Hire Operator Accreditation Scheme - December 2018
 - Driver Test review - June 2019

2. To conduct additional consultation on the HCV Policy and report back to Committee in December 2018.

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	The Taxi Licensing Service aims to continuously evolve and improve to support Manchester residents who wish to work in these industries. In order to continue to create jobs and opportunities, the Council must also now seek to build an effective business model that will enable the Council to compete with other Authorities offering the same service.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Not applicable to the content of this report
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The current Hackney Carriage Vehicle Policy is one of the most equitable in the country, supporting consistency of full accessibility within the entire fleet, ensuring that no users have to make special arrangements.

A liveable and low carbon city: a destination of choice to live, visit and work.	<p>The Taxi Licensing Service seeks to support those who wish to work within the Taxi and Private Hire industries to do so in partnership and pride with Manchester, where the corresponding policies and standards are high in order to protect and safeguard our communities and visitors.</p> <p>Vehicle policies seek to establish low carbon emissions and contribute to better air quality in the City.</p>
A connected city: world class infrastructure and connectivity to drive growth	The Taxi Licensing Service aims to utilise all possible technological opportunities to make processes quicker, easier and more accessible to customers.

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue – None

Financial Consequences – Capital – None

Contact Officers:

Name: Ann Marku
Position: Principal Licensing Officer (Taxis)
E-mail: a.marku@manchester.gov.uk

Name: Danielle Doyle
Position: Licensing Unit Manager
E-mail: d.doyle@manchester.gov.uk

Background documents

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.

Taxi Licensing Service Update Report to Licensing and Appeals Committee - March 2018

1.0 Introduction

- 1.1 Further to the previous general service update in March 2018, the Committee are aware of the changing nature of the taxi and private hire industries. De-regulation has increased cross border hiring and provided a national market for drivers and proprietors to effectively shop for licences. This has inevitably led applicants to seek out authorities where they can get their licences issued cheaper and quicker, with fewer requirements and restrictions upon the grant of that licence. The proliferation of out of town vehicles and drivers operating in our City, undermines our local licensing standards and puts public safety at risk.
- 1.2 This report seeks to update the Committee on the work taking place, including that at a GM level, to meet these challenges and address some of the issues the Licensing Unit are facing.
- 1.3 The report will also update the Committee on other general service updates.

2.0 The Challenges

- 2.1 Manchester adheres strictly to all regulatory requirements, and implements policies that seek to ensure that all checks are carried out fully, recorded properly and that our determination of a driver being 'fit and proper' is to a standard that means drivers should have to demonstrate that they:
 - have good local knowledge;
 - have good comprehension of English language & numeracy;
 - are of high behavioural standards; honest persons who would not take advantage of their employment to abuse or assault passengers (convictions policy and the strict way it's applied);
 - have good driving records;
 - are mentally and physically well (determined by someone who has access to their medical records);
 - have the right to live in the UK and the specific right to work in the UK as a taxi or private hire driver.
- 2.2 The Unit does not rely on applicants honestly telling us about any offences they have been charged with, or the circumstances of those offences. We are fairly unique as an authority in the way we proactively conduct regular checks on the status of our drivers DBSs, and the way in which we work closely with GMP to obtain relevant offence information and prepare detailed reports for Sub-Committees in relation to driver and applicant conduct, to ensure public safety as far as is possible.
- 2.3 Manchester also has a clear and proactive approach to wider enforcement, and is in the minority of authorities who have a dedicated taxi enforcement team who work both in the day and night time economy, proactively conducting checks on vehicles, drivers and operators, detecting criminal offences and working hard to prevent illegal activity, not simply being reactive

to complaints. (Further details of this work is contained within the compliance quarterly report).

- 2.4 This approach to our determination of applications, and monitoring of issued licences, aimed at ensuring high standards of public safety, in turn means that our service delivery is more expensive than some other authorities.
- 2.5 The changing industry also means that Manchester based Operators are now using more and more vehicles and drivers licensed by other authorities, and that non-Manchester based Operators are sending vehicles into the City to await or pick up legitimate work more frequently. This in turn, provides an environment where illegal activity is less conspicuous. It also means that many of our local policies are undermined, as vehicles of any colour, make, model, age, emissions standard, and bearing any type or no identification stickers are able to pick up residents and visitors to the City.

3.0 Our Approach – internal improvements

- 3.1 The Committee will be aware that a new set of fees were determined by the Chair of Licensing and Appeals, in consultation with the Head of Planning, Building Control and Licensing for 1 May 2018. These new fees were set following a comprehensive review of the fee model, to ensure it was fit for purpose and the Unit's full costs could be accurately recovered. The new fees are higher than the trade in Manchester experienced in recent years. Some members of the Committee will be aware that the Unit refunded the trade a previous surplus in the accounts (from 2014 – 2016) by way of a reduction in fees which meant that the set fees during those years was artificially low. Many trade members as a result perceive that Manchester's costs have increased considerably, when this is not the reality.
- 3.2 In conjunction with the fee review, the Unit also embarked on a programme of service improvements to streamline processes and plan changes to ensure that costs remained as reasonable and comparable as possible.
- 3.3 To date, a number of processes have been updated with time efficiencies being found in delivery, along with a full review of all letters (which are now sent via email to customers to save time and cost) to ensure content is clear and correct, and work is ongoing on ensuring the website also assists customers effectively through the process.
- 3.4 The Committee heard in March 2018 about ways in which the service is working to reduce costs and improve customer service. Below are some updates on those work streams:
- 3.5 Online solutions

All our application forms and related documents are now available online. The Unit has significantly reduced its use of paper, and related processing of post by shifting customer access and communication predominantly online. However, we are still experiencing a significant number of customers failing to

properly notify the Unit of their up to date email address or checking emails or the website regularly. This causes additional processing time dealing with queries or chasing customers. This will be discussed again with representatives at the next Trade Meeting. Better online customer interaction has already significantly reduced processing time over the past 12 months, enabling the Unit to prepare for the anticipated spike in activity from October 2018 to October 2019 (when the anniversary of the first 3 year driver licences is due) without significantly increasing the structure to meet that demand.

- 3.6 A system upgrade to enable data from online application forms to be automatically uploaded into the business system, and payments to be made at the point of application (currently we have to send a payment link to the customer once the application is received and validated) are planned to go live by 1 November 2018, if not sooner. This will make the process even more efficient, enabling further cost savings going forward in the next financial year.

3.7 Enquiries

The Unit recognised that customers previously experienced frustration contacting officers or receiving a response to enquiries in a timely manner. The Unit is pleased to report that the service inbox is now cleared almost daily, and we are regularly exceeding targets to respond to enquiries within 5 working days. The contact centre have also reported over a 30% reduction in calls relating to taxi enquiries, compared to 2016/17, indicating that customer service has improved significantly.

3.8 DBS processing

The Unit went live using an online DBS application provider; CBS Ltd. This has reduced the processing time of a DBS application stage to 10 working days (in most cases and sometimes less) instead of an average of around 6 weeks (and often longer), as it had been previously.

3.9 Application processing times

The Unit have been aware for a while that previous backlogs of applications, and the length of time taken to process applications has been an issue for our customer base, hence the programme of service improvements.

Table 1 below shows the current service delivery which is greatly improved from the position over the past 12 months:

Table 1: Processing times:

Licence Type	Service Targets	Current performance:	Comment
Driver Renewal	1. Begin to process within 48 hrs of receipt	Meeting service targets – processing upon receipt into the service and all	Delays will only be experienced by applicants who: <ul style="list-style-type: none"> • have not paid

	2. Issue within 10 working days of receipt of application	renewals completed on time	<ul style="list-style-type: none"> do not have the right documentation <p>We require applications to be submitted at least 20 working days in advance of expiry for applicants who also have any related documents that need renewing (i.e. DBS, medical)</p>
New Driver Application	<ol style="list-style-type: none"> Begin to process within 48hrs of receipt Refer to Stage 4 of the process (knowledge test) within 10 working days Issue within 6 weeks 	<ol style="list-style-type: none"> We are currently processing applications received on or before 10 August 2018 (just over 2 weeks behind our service target) This data is not yet available but will be monitored and reported in future This data is not yet available but will be monitored and reported in future 	<p>We are still in the process of clearing a previous 6 month backlog but expect to be meeting Service Target 1 by the beginning of September.</p> <p>Progress through the New Driver application process is dependent on:</p> <ul style="list-style-type: none"> applicants providing the right documentation and completing their next steps whether applicants have to attend before panel or sub-committee due to DBS/DVLA issues how long the applicant wants to prepare for the knowledge test how long it takes for the applicant to pass the test
Vehicle Renewal	<ol style="list-style-type: none"> To process applications within 5 working days of receipt To provide a test appointment within 7 working days To be processing renewals up to 6 weeks in advance of expiry 	<ol style="list-style-type: none"> Currently exceeding service target and processing applications within 2 working days of receipt into service Currently exceeding in most cases We are currently processing vehicle renewals 	<p>Vehicle renewal reminders are sent up to 6 weeks in advance</p> <p>Delays will be encountered where applicants do not put their renewals in, in good time or action the payment link</p> <p>Further delays will be encountered where proprietors are not maintaining their vehicles</p>

		which expire in October 2018	adequately in between tests
New Vehicle Application	<ol style="list-style-type: none"> 1. To process applications within 5 working days of receipt 2. To provide a test appointment up to a maximum of 10 working days of application being validated 	<ol style="list-style-type: none"> 1. Currently exceeding service target and processing applications within 2 working days of receipt into service 2. Currently exceeding target and providing new vehicle tests within 3 working days 	<p>Applications (and booking of test appointments) will be delayed where documentation or payment is awaited</p> <p>Renewal and existing fleet test appointments will take priority, but we aim to provide a new vehicle test appointment within 10 working days maximum</p>
General email enquiries	To respond within 5 working days	Currently exceeding target for majority of customers	Customers should continue to self resolve wherever possible to reduce demand on the service, by checking all relevant documentation and website information.

3.10 Driver Tests

- 3.11 As previously reported, following feedback from the public and trade alike, the Driver Skills Test was revised earlier this year aimed at improving the standard of Driver communication and interaction with passengers. This went live on 16 July 2018, testing applicant's numeracy, literacy, comprehension and understanding of the Highway Code. Whilst the test is still delivered in house, it is now conducted via an online test which can be delivered to several applicants at once; increasing the capacity to deliver more tests, which in turn reduces the waiting time for a skills test.
- 3.12 An early review shows that the pass rate for the Skills part of the overall Driver test has fallen from over 90% to around 40% on average. The test content will be regularly revised to ensure it is suitable and relevant. Further assessment on the impact of passenger complaints will be undertaken in the future.
- 3.13 The new Driver Knowledge Test (the data for which is currently being updated by Manchester College) is not yet available due to delays with change in staffing at the College, but is hoped to be tested during September with a planned go live for October 2018.
- 3.14 Following the embedding of the revised test provision, consideration needs to be given to how the change to online Coaching sessions has impacted on the Knowledge Test pass rate and a full review of driver training delivery, including post licence issue training for new drivers and refresher training for existing fleet drivers is scheduled during summer 2019.

4.0 Our Approach – Policy

4.1 Private Hire Operator Conditions Review

The Committee will be aware that officers presented a proposed set of new Private Hire Operator Conditions which were approved for consultation on 4 December 2017. However, due to the policy work taking place at a GM level, alongside a number of matters arising through recent case law, the consultation on this proposal was postponed. Officers have also sought to conduct additional research on how other local authorities have used these conditions to try to control the negative impacts of deregulation and cross border hiring, and sought additional legal advice. Agreement is sought from the Committee for a new set of proposed conditions to be presented by officers for consideration.

4.2 Private Hire Operator Accreditation Scheme

Officers convened a workshop with Private Hire Operators in April 2018, seeking feedback on the use of out of town vehicles, to discuss the Council's strategic aims, gain informal feedback on the previously proposed conditions and gauge views on the possible introduction of a Private Hire Accreditation Scheme. Feedback was constructive from the Operators that attended, and was supportive of an Accreditation Scheme. If the Committee are in agreement, Officers will prepare a further report detailing proposed criteria for such a scheme.

5.0 Our Approach – GM level and nationally

5.1 Some Members will already be aware that the challenges to regulation of an outmoded taxi and private hire legislative framework, have been acknowledged by the GMCA and AGMA Wider Leadership Team. GM's Licensing Authorities have agreed to adopt a two-track approach to dealing with the most pressing challenges:

- i. To develop, agree and implement a common set of minimum standards for Taxi and PH Licensing. The intention is that by gradually raising these minimum standards across GM, a stronger voice will be provided to Government on the possibility and need for national minimum standards.
- ii. To work with TfGM, other city regions and local authorities to urge Government to take appropriate action to reform the legislative framework to ensure it is fit for purpose.

5.2 GM Executive Members and Licensing Committee Chairs have attended two briefing sessions in February and June 2018 on the scope and development of the work stream. Leaders have also had oversight on the proposals and progress.

5.3 A trade liaison meeting hosted by the Greater Manchester Mayor, Andy Burnham, in July 2018, was well represented by Manchester trade

representatives who were able to feed their concerns into the process, with further engagement agreed by the Mayor.

- 5.4 GM Licensing Managers have met as a group to benchmark current standards, identify the areas where common minimum standards are required and develop a suite of detailed policies. This work is due to conclude autumn 2018 before a wider public consultation on the plans (coordinated by TfGM).
- 5.5 GM authorities, TfGM, TfL, LGA, Institute of Licensing, Urban Transport Group and other local authorities have been urging the DfT to consider regulatory reform that reinstates the principle of effective local licensing. Specifically to inhibit the increasingly prevalent practice of cross border operations in the context of passenger safety by requiring in statutory guidance that all taxi and PHV journeys must either start or end in the area in which they are licensed.
- 5.6 The DfT created a Task and Finish Group in September 2017, convened by the former DfT minister John Hayes. No local authorities were represented on the group, but the LGA were included. TfGM and GM Licensing Managers sent a submission via the LGA. The Task and Finish Group's report to the new minister Nusrat Ghani has been delayed, and although expected soon, no specific date has yet been provided.

6.0 National Register of Taxi Licence Revocations and Refusals

- 6.1 The register was commissioned and coordinated by the Local Government Association (LGA) and is now available to use. The register is hosted by the National Anti-Fraud Network (NAFN) and the LGA issued guidance in August 2018. Use of the register is on a voluntary basis to all local authorities at present. A bill presented to Parliament by Daniel Zeichner MP to make use of a register mandatory received a second reading in February 2018, but was only part heard and is scheduled to resume in October 2018.
- 6.2 The purpose of the register is to enable better determination of whether an applicant (new or renewal) is a fit and proper person, and prevent individuals from remaining in the industry through deception or non-disclosure. The register will apply to Driver applicants only who have been refused or revoked. Suspensions will not be recorded.
- 6.3 Authorities must not simply rely on the decision made by another authority, but must consider applications still on their own merit, although careful consideration should be given before taking a different view to another authority (having regard for the fact that the driver had a right of appeal to the Magistrates' Court against a previous decision).
- 6.4 Historical data can be uploaded onto the register, and data will be held for up to 25 years from the date of decision.
- 6.5 Implementation of this register within the Unit's practices will require considerable work including:

- Review of our existing data retention and data governance policies in view of this new guidance
- Updating of all applications, letters, guidance and website information to inform applicants how their data may be used in the future
- New procedures for formally requesting data from other authorities, recording all disclosures made, and providing responses within 10 working days of requests
- Additional provision for Subject Access Requests resulting from the register
- Writing to all existing drivers (c.4500 individuals) advising how their data may be used in the future (to enable historical data to be uploaded) and providing a mechanism for representations to be made in respect of this proposal
- Provision for all applicants to lodge a complaint with the Information Commissioner
- Training of staff to upload data onto the system, conduct checks and ensure data is shared appropriately

6.6 Work to prepare for the use of the register is in the early stages and further updates will be provided to the Committee in due course.

7. Hackney Carriage Vehicle Policy

7.1 In March 2018, a public consultation was conducted on the Hackney Carriage Vehicle Policy which lasted for 12 weeks and closed on 29 May 2018. The consultation consisted of an online questionnaire outlining the conditions of fitness within the Policy that were non-negotiable (required by law) and those on which we were seeking respondents' views on whether the condition should remain as is, or whether it should be amended or removed and the reasons for that amendment or removal.

7.2 Views were sought from the Trade, wider industry including vehicle manufacturers, partner agencies, relevant groups (i.e. disability groups) and the wider public, with acknowledgement that some sections or questions may not hold much relevance to some individuals/bodies. Respondents were invited to express views on sections that they understood and were relevant to them, and to note 'no comment' if they did not understand anything.

7.3 Unfortunately, responses to the questionnaire have been very narrow, and wholly from within the trade itself. Officers did not have access to responses until the consultation had closed and have since spoken with stakeholders and colleagues in other services to understand why feedback was not forthcoming. It has been fed back, particularly from disability group representatives that the format of the questionnaire was too technical and difficult to understand and officers are concerned that the format of the consultation could undermine its legitimacy and any subsequent decisions. Officers acknowledge that this was a weakness of the consultation and have since spoken with colleagues in the Corporate Communications Team, who have offered different solutions to facilitate a more user friendly form of consultation that could be provided to other stakeholders, and publicised more widely on the Council's media

- channels. Disability Groups have also requested that officers meet with them to talk them through the meaning of the different conditions and policy points.
- 7.4 In order to ensure that the consultation provides a comprehensive enough representation of stakeholders to enable the Committee to make an informed and cognisant decision, officers propose that the consultation on this policy is extended to enable a broader representation of views to be garnered, and that this be scheduled to be reported back to Committee in December 2018.

8. Legal Considerations.

- 8.1 The Deregulation Act 2015 allows a private hire operator licensed in a district to sub contract any booking to another operator. This applies whether or not the second operator is licensed in the same district or another district.

9.0 Key Policies and other considerations

- 9.1 (a) Equal Opportunities
There are no equal opportunities issues arising from this report.
- 9.2 (b) Risk Management
As with any such decision made by the Council it can be challenged by way of 'Judicial review'.
- 9.3 (c) Legal Considerations.
There are no additional legal considerations to those already highlighted within this report.

10.0 Conclusion and recommendations

- 10.1 The report seeks to update the Committee on key issues affecting service delivery, and how the Unit is responding to challenges and demand.
- 10.2 It is recommended that the Committee instruct officers to prepare further reports on:
- Private Hire Operator Conditions
 - Private Hire Operator Accreditation Scheme
 - Driver Test review
- 10.3 It is recommended to the Committee that Officers conduct additional consultation on the HCV Policy and report back to Committee in December 2018.

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**Manchester City Council
Report for Information**

Report to: Licensing & Appeals Committee – 10 September 2018

Subject: Taxi and Private Hire Compliance Quarterly Report – Quarter 4 2017/18

Report of: Head of Planning, Building Control & Licensing.
Strategic Development

Purpose of Report

To inform the Committee of the compliance work undertaken by the Licensing Unit for the following reporting period:

- Quarter 4 17/18: January – March 2018

Recommendations

That members note the report.

Wards Affected: All

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	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.
A highly skilled city: world class and home grown talent sustaining the city's economic success	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.

A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Manchester strives to have a world class taxi fleet that promotes equality and confidence to those living in, working in and visiting our City.
A liveable and low carbon city: a destination of choice to live, visit and work.	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.
A connected city: world class infrastructure and connectivity to drive growth	An effective compliance regime supports the ambition for a world class fleet and one that will assist economic growth.

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

Operation Aztec that has been the subject of a previous report to the committee is funded by the Licensing Unit

Financial Consequences – Capital - None

Contact Officers:

Name: Danielle Doyle
 Position: Licensing Unit Manager
 Telephone: 0161 234 4962
 E-mail: d.doyle@manchester.gov.uk

Name: Andrew Scragg
 Position: Principal Licensing Officer
 Telephone: 0161 245 7709
 E-mail: a.scragg@manchester.gov.uk

1.0 Introduction

1.1 This report provides the committee with information in respect of compliance work undertaken by the Unit during January - March 2018, and where possible provides comparative data to demonstrate performance and change.⁷

2.0 Investigating Complaints Performance

2.11 The Compliance Team receives complaints/reports (from members of the public and the trade) against both Hackney Carriage and Private Hire licence holders, which are logged and allocated a unique reference number in chronological order.

2.12 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.

2.13 Complaints can 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

2.14 Table 1 below details the number received by category and provides quarterly comparisons:

Table 1 – Complaints received by Qtr & comparisons

Complaint Category	Qtr 4 (16-17)	Qtr 1 (17-18)	Qtr 2 (17-18)	Qtr 3 (17-18)	Qtr 4 (17-18)	Last Qtr	Same Qtr last year
Fare, Route or Meter Issue	68	63	80	89	76	-13	+8
Traffic Incident (non-passenger)	83	82	96	94	100	+6	+17
Driver Conduct	15	23	20	21	21	0	+6
Driving Matter (from passenger)	5	8	5	3	9	+6	+4
Refusal Of Hire	9	12	3	15	5	-10	-4
Operator or Booking Issue	16	10	12	18	12	-6	-4
Illegal Ply	9	10	17	16	11	-5	+2
Licensed Driver Dispute	11	6	8	14	16	+2	+5
Driver Knowledge	1	6	3	2	2	0	+1
Disability Issue	2	1	2	3	1	-2	-1
Other	36	21	39	46	30	-16	-6
Total	255	242	285	321	283	-38	+28

2.15 Table 1 shows an overall decrease in complaints received in Qtr 4 17/18 compared to Qtr 3 17/18 but an increase compared to the same Qtr last year. Whilst our long term objective is to work with the trade to ensure higher standards of customer service and ultimately reduce the number of complaints from residents and visitors to the City, the rising trend over the last 12 months was anticipated and welcomed. This is because service improvements have been aimed to:

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

3.0 Proactive Checks, Operations and Outcomes

3.1 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 Quarter

Vehicle and Driver Type	Qtr 1 17/18	Qtr 2 17/18	Qtr 3 17/18	Qtr 4 17/18	Total	% of total
Manchester Hackney	465	461	448	393	1767	31%
Manchester Private Hire	575	487	490	618	2170	38%
Other licensed drivers checked in Manchester	498	432	481	357	1768	31%
Total	1538	1380	1419	1368	5705	

3.2 Proactive checks and investigations can result in one of the following outcomes for Manchester Licensed Vehicles and Drivers:

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

3.3 Interactions with non-Manchester licensed vehicles and drivers can only result in formal action (prosecution) where a criminal offence is detected eg. Illegal ply for hire. Other offences that constitute breach of licence conditions are referred back to the host authority, and only the host authority has the

jurisdiction to suspend or revoke a licence (regardless of where the offence occurred). Compliance officers spend considerable time and resource notifying other authorities with regards to issues identified with their vehicles and drivers, and the service is looking at ways this can be better recorded to enable reporting.

3.4 Notices

Table 3 – Notices issued

Vehicle Notices Jan-Mar 2018	Compliance Notice		Suspension Notice		Total
Defect Type	PH	HC	PH	HC	
Tyres	0	0	0	0	0
Bodywork / Interior	3	0	3	1	7
Electrical	3	0	0	0	3
Mechanical	0	0	0	0	0
Vehicle Other (Conditions e.t.c.)	9	0	28	0	37
Driver Matter	0	0	0	0	0
Total	15	0	31	1	47

3.5 FPNs

FPNs are issued to any drivers 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 4 – FPNs issued by Qtr

Smoking Fixed Penalty Notices	Q1 17/18	Q2 17/18	Q3 17/18	Q4 17/18	Total
Licensed Drivers (From All Authorities)	18	22	22	30	92

3.6 Prosecutions

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

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 Quarter

	Cases referred for legal action	Number of which were Ply for Hire	Pending Trial	Number of which successful
Q1 17/18 (Apr – Jun 2017)	7	6	1	6 (to date)
Q2 17/18 (Jul – Sep 2017)	7	7	0	7
Q3 17/18 (Oct – Dec 2017)	5	4	2	2 (to date)
Q4 17/18 (Jan – Mar 2018)	11	9	6	5 (to date)
Annual Totals	30	26	9	20

3.7 Operations

The Compliance Team have for a number of years participated 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 usually 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]. These operations have now changed focus and are using Special Constables, targeted at illegal ply for hire activity in the City. This new form of operation only began in April 2018, and further details will be provided in the next report.

4.0 **Senior Officer Panels & Licensing & Appeals Sub-Committees**

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

4.5 Panel & Sub-Committees

4.6 The tables below show the number of cases referred to either Panel or Sub-Committee within January -March 2018, broken down by offence category and detailing the outcomes:

Table 8 – Summary of cases referred to the Panel & outcomes Quarter 4 Jan-March 2018:

Senior Officer Licensing Panel January – March 2018												
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	Renewed with Warning	Refused		
Dishonesty	1	0	1	0	1	0	0	0	0	0	1	4
Major Motor Offence	0	0	1	0	0	0	0	0	0	0	0	1
Intermediate Motor Offence	0	0	1	0	0	0	0	0	0	0	0	1
Totting Up	0	0	1	0	0	0	0	0	0	0	0	1
Total	1	0	4	0	1	0	0	0	0	0	1	7
Appeal											1	

Table 9 - Summary of cases referred to Licensing and Appeals Sub-Committee and outcomes Quarter 4 Jan-March 2018:

Sub-Committee January – March 2018												
Offence Category	New Application			Current Licence Holder				Renewal			Total	
	Granted	Granted with Refused to Grant	Refused to Grant	No Further Warning Given	Revoked	Suspended	Granted	Granted	Refused			
Drugs	0	0	0	0	0	0	0	0	0	0	0	
Sex Offence	0	0	2	0	1	0	1	0	0	0	4	
Violence	1	0	2	0	0	1	0	0	0	0	4	
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	0	1	0	1	3	0	0	0	0	5	
Major Traffic Offence	0	0	0	0	0	0	0	0	0	0	0	
Miscellaneous	0	0	0	0	0	2	2	0	1	0	5	
Total	1	0	5	0	2	6	3	0	1		18	
Appeal												

5.0 Case Summaries

5.1 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 & 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.

5.2 **Dishonesty – (1) Senior Officer Licensing Panel**

Review of Private Hire Driver Licence.

Reason: A Police Caution for a Fraud Matter.

Decision: Warning as to future conduct issued.

Explanation: Evidence provided that driver had notified the city council of the caution in 2014. Although still within the guidelines the conviction was now 4 years old and there had been no other dishonesty issues since that time. The conviction was therefore regarded as isolated.

5.3 **Major Motoring Offence (1) – Senior Officer Licensing Panel**

(1) Application for a New Private Hire driver's licence.

Reason: All Motoring convictions disclosed during application outside convictions policy, however referred due to overall driving conviction history, CD10 (driving without due care and attention) and DR10 [Driving or attempting to drive with alcohol above legal limit] and previous refusal of similar application at panel.

Decision: Granted subject to passing the relevant knowledge test and completing all further stages of application.

Explanation: The Panel listened to the explanation offered for each offence including an admission that the applicant no longer drinks alcohol. The DR10 conviction was now 12 years old and the last motoring conviction, a CD10 was in 2015 and was not alcohol related, the Senior Officer decided to grant the application.

5.4 **Intermediate Motoring Offence (0) – Senior Officer Licensing Panel**

5.5 **Totting Up – Senior Officer Licensing Panel (0)**

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

(1) Application for a New Private Hire Drivers Licence

Reason: Conviction for Common Assault.

Decision: Granted with a Warning

Explanation: The Committee were made aware that the Applicant had been convicted after trial of an offence of Common Assault whilst employed as a carer for a young person (GS) with Autism. The court imposed a suspended Sentence Order, (SSO), of 16 weeks custody suspended for 12 months with an unpaid work requirement. The finding was on the basis of excessive force re self-defence.

The Applicant presented the events that had taken place leading to the conviction and also photographs of his working relationship with the GS and his own injuries which had been sustained as a result of bites from GS and which had required hospital treatment. This was not to assert any blame on GS but merely to put matters in to context.

He did however accept the Committee could not go behind the merits of the conviction. He also provided a very positive reference from his employer at that time.

The licensing Team confirmed the Applicant had declared this conviction from the outset and had completed all of the required elements for his licence in August 2017; there was no evidence of any incidents before or after this allegation and no evidence to suggest the Applicant was unable to manage his stress levels. The purpose of the review hearing was to exercise due diligence due to the circumstances of the allegation.

The Committee heard from the Applicant's representative evidence the Applicant had resigned from his position as a carer and subsequently been employed as a waiter for the past five years, working with members of the public day-in/day-out without incident. In addition, the offence date was the 31st of March 2013, some five years ago.

The Applicant provided certificates of training in dealing with 'Autism & Communication' (dated 3/10/11) and 'Epilepsy Awareness' (dated 10/6/10) and when asked felt that he would be better placed than most PH drivers to deal with Autistic and problem children given the experience he had.

5.7 **Sex offences – Sub-Committee (1)**

(1) Review of a Private Hire Drivers Licence

Reason: Historical Allegation of sexual assault on a female.

Decision: Immediate Suspension lifted and warning issued as to future conduct.

Explanation: The Committee carefully considered and accepted the

explanation provided by the applicant as the sexual allegation that had been made in 2000 and that no actual sexual contact was made with the female and it was a misunderstood gesture when he first moved to this country in affectionately touching her arm. The Committee also noted that no charges had ever been brought and that no further action had been taken which supported his version of events.

The Committee also heard that he had been driving for 14 years without any issues of a similar nature being reported and that his DBS had been clear with no criminal convictions. The Committee also heard that his driving licence is clear.

There were a couple of previous complaints from passengers in 2015 and 2016 which had been dealt with by licensing however these were not of a sexual nature.

Based on the information provided by the police and the Applicant the Committee therefore viewed that the Applicant was a fit and proper person and that they should lift the suspension now and allow the licence to continue. They did however find that it was appropriate to give the Applicant a verbal warning as to his behaviour due to the complaints received in 2015 and 2016 and to his standard of driving.

5.8 **Drugs (0) – Sub-Committee**

5.9 **Miscellaneous Sub-Committee (1)**

- (1) Renewal of a Hackney Carriage Proprietor licence.

Reason: Failure to properly maintain a Hackney Carriage.

Decision: Renewal Granted with a warning as to future conduct.

Explanation: The sub-committee heard that the applicant's vehicle had been presented for its annual vehicle inspection in January 2018 and had failed on a number of major faults; this indicated that the daily checks and regular maintenance did not appear to have been carried out.

The applicant had previously held two Hackney Carriage licences and a Hackney Carriage Vehicle licence since October 2011.

The applicant had submitted his renewal Application on the 20th of December 2016, (received on the 26th December 2016) and the documents at Appendix 1A showed the current vehicle had failed its inspection on the 15.1.18 but also previous inspections on 16.1.17 and 14.9.17 although repairs had been carried out and the vehicle subsequently passed.

The licensing Unit were concerned the condition of the bodywork would have been something readily apparent to the applicant and yet he did not appear to have addressed this until immediately prior to any inspection. There were of

course concerns regarding the mechanical issues and interior of the vehicle re seating and securing disabled carriages.

The Respondent provided numerous receipts to the Committee to show the extensive work he had, had carried out on the vehicle and the money he had expended. The Respondent seemed to accept that daily maintenance logs had been completed 'some of the time' but did not know why they hadn't been presented at the inspection in January 2018.

He explained he had always had repairs carried out and stated he made a mistake buying an older vehicle, (purchased in August 2016). He had now purchased a newer vehicle a TV4 2014 registration which was three years old and would be maintaining it himself. He had submitted his Application to the Licensing Unit pending the outcome of this hearing today.

He explained his Father had, had a serious stroke and resulting brain damage, he had been out of the country from the 5. December 2017 to February 2018, (6 weeks) and had left the vehicle with a driver and a friend with instructions to have any work required carried out no matter what the cost. They had failed him in that they hadn't done any work.

He referred to a test in May 2017, in which he had again spent £700-800 – and the vehicle had passed. He had taken the necessary steps but again accepted, he should have purchased another vehicle.

It was accepted that the applicant had spent a substantial amount of money on repairs prior to inspections and notwithstanding the fact the vehicle had failed and that this was in the applicants favour although it was emphasised the even though the applicant had been out of the country, he was still responsible for the vehicle.

Whilst the Sub-Committee were concerned with the maintenance of the vehicle they accepted the applicant had spent a substantial amount of money over the period to maintain the vehicle. He was advised he should complete the check sheets on a daily basis and these should also be signed off by the driver and the applicant was advised his Application would be granted with a warning letter. He was however advised that if this should happen again, revocation would be a real prospect.

6.0 Appeals (1)

There was 1 appeal lodged against Sub-Committee and Senior Officer Panel decisions made during the period January – March 2018.

(1) Renewal of a private hire driver licence – refused at Senior Officer Panel January 2018

The driver appeared before the Panel in respect of convictions for dishonesty.

Appeal lodged at Manchester and Salford Magistrates Court against the

refusal to renew a private hire driver licence. Full Appeal Hearing took place on 18 June 2018.

Decision of Court: Appeal dismissed.

7.0 Conclusion

- 7.1 The report has provided a summary of the activity of the Taxi and Private Hire Compliance Team in Quarter 4 of 2017/18 (January – March 2018). The information provides Members with an update and overview of the types of complaints received, proactive investigations, activity and legal applications to uphold high driver and proprietor standards in Manchester. It also demonstrates the type of work being carried out in regard to the large number of drivers and vehicles that are working in the city that are licenced by other Licensing Authorities.
- 7.2 Members are asked to note the report.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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