

**Manchester City Council
Report for Information**

Report to: Licensing and Appeals Committee – 2 December 2019

Subject: Taxi and Private Hire Compliance Quarterly Report – Quarter 1 2019/20

Report of: Head of Planning, Building Control and Licensing

Summary

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

- Quarter 1 19/20 (April – June 2019)

Recommendation

That members note the report.

Wards Affected: All

Environmental Impact Assessment - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city

Effective regulation of vehicle conditions ensures compliance with current emissions policies.

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 partly funded by the Licensing Unit

Financial Consequences – Capital - None

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1.0 Introduction

1.1 This report provides the committee with information in respect of compliance work undertaken by the Unit during April - June 2019 and where possible provides comparative data to demonstrate performance and change.

2.0 Investigating Complaints Performance

2.1 The Compliance Team receives complaints/reports (from members of the public and the trade) against both Hackney Carriage and Private Hire licence holders.

2.2 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 driver response, where we are satisfied that drivers have been correctly identified.

2.3 Complaints can result in one of the following outcomes:

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

2.4 Table 1 details the number of complaints received quarterly by category, as well as comparison data to enable performance and trend analysis.

Table 1 – Complaints received by Qtr & comparisons

Complaint Category	Qtr 1 (18-19)	Qtr 2 (18-19)	Qtr 3 (18-19)	Qtr 4 (18-19)	Qtr 1 (19-20)	Last Qtr	Same Qtr last year
Fare, Route or Meter Issue	75	82	68	67	58	-9	-17
Traffic Incident (non-passenger)	91	113	96	83	92	+9	+1
Driver Conduct	25	27	22	18	23	+5	-2
Driving Matter (from passenger)	11	16	6	8	7	-1	-4
Refusal Of Hire	4	5	18	5	8	+3	+4
Operator or Booking Issue	14	28	19	14	16	+2	+2
Illegal Ply	8	19	10	15	7	-8	-1
Licensed Driver Dispute	9	5	12	6	7	+1	-2
Driver Knowledge	3	0	0	4	1	-3	-2
Disability Issue	4	7	7	0	3	+3	-1
Other	40	39	54	56	50	-6	+10
Total	284	341	312	276	272	-4	-12

2.5 The table identifies a slight reduction in the overall complaint numbers in comparison with quarter 1 last year. This current quarter also shows a continuation of the downward trend in total complaint numbers from a peak in Quarter 2 last year. This general downward trend is seen as a positive indication that the concentrated compliance work carried over the last 3 years, appears to be having a positive effect on driver behaviour and customer satisfaction with the trade.

3.0 Proactive Interactions & Operations

3.1 Routine vehicle checks are carried out on both day & night shifts at various locations across the City, including railway stations, the airport, hospitals and supermarkets. On night shifts interactions are targeted to hotspot areas causing congestion within the Night Time Economy, and locations where the risk of illegal activity is higher.

3.2 Table 2 below shows a breakdown of the interactions between the two tiers and of those licensed by Manchester compared to those licensed from other authorities. It shows that at present a third of officer interactions are with non MCC licensed vehicles and drivers, and that checks of Manchester licenced vehicles are evenly split between the two branches of the trade. These figures remain largely consistent with the trend reported previously, with minor fluctuations up and down, of inspection activity in the region of a third spent on each. Every interaction shown in the table below includes a driver check.

Table 2 – Proactive interactions by Qtr:

Vehicle and Driver Type	Qtr 2 18/19	Qtr 3 18/19	Qtr 4 18/19	Qtr1 19/20	Total	% of total
Manchester Hackney	1137	594	456	448	2,635	32.6
Manchester Private Hire	932	649	551	650	2,782	34.3
Other licensed drivers checked in Manchester	728	666	598	682	2,674	33.1
Total	2797	1909	1605	1780	8,091	

3.3 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

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

3.5 Notices

Compliance and suspension notices are issued by Compliance Officers almost entirely as a result of proactive work, detecting faults or non-compliance with licence conditions to ensure a better standard of fleet and safety for passengers.

Manchester continues to maintain a high standard formal vehicle inspection regime which is reflected in the figures shown in this table. The regular presence of Enforcement Officers on the street throughout the week also acts as a deterrent and encourages Proprietor's and driver's to properly maintain their vehicles. The table below details the numbers issued in the last quarter and the reasons for issuing.

Table 3 – Notices issues Qtr 1 2019/20

Vehicle Notices April - June 2019	Compliance		Suspension		Total
	Notice		Notice		
	PH	HC	PH	HC	
Defect Type					
Tyres	0	0	0	0	0
Bodywork / Interior	1	0	0	1	2
Electrical	0	0	0	0	0
Mechanical	0	0	0	0	0
Vehicle Other (Conditions e.t.c.)	8	0	4	0	12
Driver Matter	0	0	0	0	0
Total	9	0	4	1	14

As per the last report, the data shows that our Hackney Carriage fleet is very compliant, compared to the Private Hire fleet. The main reason for this is due to the condition relating to Private Hire vehicle stickers. These are often missing, incorrectly fitted or presenting the vehicle as working for a different operator to the one they are actually working for.

3.6 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.

Table 4 – FPNs issued by Qtr

Smoking Fixed Penalty Notices	Q2 18/19	Qtr3 18/19	Qtr4 18/19	Qtr1 19/20	Total
Licensed Drivers (From All Authorities)	40	13	7	10	70

3.7 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 driver or vehicle (or both)
- Failure to wear or carry badge 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 Qtr

	Cases referred for legal action	Number of which were Ply for Hire	Pending Trial	Number of which successful
Q2 18/19 (July – Sep 2018)	10	7	1	6 (to date)
Q3 18/19 (Oct – Dec 2018)	15	14	7	6 (to date)
Q4 18/19 (Jan – Mar 2019)	17	15	8	5 (to date)
Q1 19/20 (April – June 2019)	21	21	19	1 (to date)
Totals	63	57	35	18

3.8 Operations

The Compliance Team have for a number of years participated in joint agency operations targeting both the day and night time Hackney Carriage and Private Hire trades. The Committee is already aware of Operation Aztec which takes place at night with dedicated GMP Traffic Officers in both marked and unmarked

vehicles working alongside Compliance Officers. Aztec now regularly targets illegal plying for hire using specially trained Special Constables undertaking journeys as customers in licensed vehicles. The Operations use different sites to direct vehicles for questioning under caution or vehicle checks, and the system is flexible to enable a check site to be shut down and moved on any given operation.

- 3.9 Compliance Officers also 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.

4.0 Senior Officer Panels & Licensing and 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 Performance

- 4.6 **Appendix 1 (Table 1)** shows the number of cases referred to the Senior Officer Licensing Panel for 2019/20 Qtr 1, by offence category and the outcomes.

During this period, of the 24 cases referred, 5 licence applications were refused and 1 licence was suspended. Of the remaining 19 drivers or applicants, 15 were issued with warnings and there was no further action for the remaining 3.

- 4.7 **Appendix 1 (Table 2)** shows the number of cases referred to the Licensing and Appeals Sub-Committee for 2019/20 Qtr 1, by offence category and the outcomes.

During this period, of the 20 cases referred; 8 licence applications or renewals were refused by the Sub-Committee, 2 licences were suspended, and 4 licences were revoked. Of the remaining 6 drivers or applicants, 4 were issued with warnings and there was no further action for the remaining 2.

5.0 Case Summaries – outside the guidelines

- 5.1 The following paragraphs provide a brief overview of those cases and decisions taken by the Panel or Sub-Committee during Qtr 1 of 2019/20, 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 identifying details.

5.2 Violence (1) – Licensing and Appeals Sub-Committee

- (1) Review of hackney carriage driver's licence.

Reason: Battery / Major Traffic

Decision: Warning issued

On renewal the driver had failed to declare two matters, one of battery and one of a major traffic conviction. These offences were disclosed on his DBS certificate when checked for his licence renewal. The driver gave his explanation to the Sub-Committee in regard to the matters identified, and his reasons for not declaring them, apologising for this failure.

The Sub-Committee noted that the applicant had been a taxi driver for forty years without complaint, and that he had been suspended for four weeks prior to the hearing.

The Committee was of the opinion that the assault conviction was an isolated incident, and the account provided regarding the traffic matter had been significantly mitigated. As a result they decided that the four week suspension already served had been a punitive element, and as such there were grounds to depart from the policy, with the applicant being issued a warning.

5.3 Major Motoring Offence (5) – Senior Officer Licensing Panel

- (1) New private hire driver application.

Reason: Major Motoring – (DR10) Drink Driving

Decision: Grant with warning

The matter was almost outside of the guidelines. The applicant explained that he was a waiter and had stayed behind with colleagues for a drink after an invite from his manager at the end of the shift. He regretted an error in judgement by driving afterwards. The driver's explanation was accepted and his licence was

granted with a warning.

- (2) Private hire driver renewal application.

Reason: Major Motoring – IN10 (Insurance)

Decision: Renew with warning

The licence holder stated that he was a named driver on his wife's policy. After a brief separation it appears that he was not put back on the policy, though he was confused about how this happened. The driver's explanation was accepted and his licence was renewed with a warning.

- (3) Renewal of a hackney carriage driver's licence.

Reason: Major Motoring – SP30 (Speeding x3)

Decision: Renew with final warning

The applicant was an expired licence holder with a renewal application. He had been issued three SP30 tickets, of which two were when driving a hackney carriage with no passengers in 2018, and one in his own vehicle in 2016. The driver's explanation was accepted and his licence was renewed with a final warning issued.

- (4) Review of a hackney carriage driver's licence.

Reason: Major Motoring – CU80 (Mobile Phone)

Decision: Warning Issued

The conviction was an isolated one and the circumstances of the offence as described by the driver, in which the vehicle was moved a short distance whilst waiting on a rank meant that it was felt appropriate to depart from the guidelines and issue a warning as to the driver's future conduct.

- (5) Renewal of a private hire driver's licence.

Reason: Major Motoring – IN10 (Insurance)

Decision: Renew with warning

The conviction was regarded as an isolated matter and was not directly related to the applicant's role as a licenced driver. It was therefore felt appropriate to depart from the guidelines and to renew the licence and issue a warning as to the driver's future conduct.

5.4 Intermediate Motoring Offence (3) – Senior Officer Licensing Panel

- (1) Review of hackney carriage driver's licence.

Reason: Intermediate Motoring – CD10 (Driving without due care and attention)

Decision: Warning Issued

The driver had been involved in a collision with a child on a bicycle who had ridden onto the road to the left hand side of his taxi. The driver stopped and the child attended hospital as a precaution with minor injuries. After assisting the police he was found guilty of the offence at court. The driver was issued a warning as this was an isolated incident with no serious injuries, and there was no other history of offences.

- (2) Renewal of hackney carriage driver's licence.

Reason: Intermediate Motoring – SP30 (Speeding x2)

Decision: Renew with warning

The driver was returning his Hackney vehicle to the proprietor, was carrying no passengers and was caught speeding. He was caught again at the same spot shortly after on his return, on this occasion in his own vehicle. These offences are within policy until August 2019 but the renewal was granted with a warning due to the isolated nature of the incidents.

- (3) Renewal of private hire driver's licence.

Reason: Intermediate Motoring – SP30 (Speeding x2)

Decision: Renew with warning

The driver had picked up two speeding offences on consecutive days and on the day of the hearing both offences were 9 months old and would be outside the guidelines in 3 months time. The driver had been unable to work for almost 2 weeks which is the time between his licence expiring and the hearing date. This was due to his only declaring the convictions on his renewal application. It was therefore felt appropriate to depart from the guidelines and to renew the licence and issue a warning as to the driver's future conduct.

5.5 Dishonesty Offences (1) – Senior Officer Licencing Panel

- (1) New private hire driver application.

Reason: Dishonesty (Fraud)

Decision: Grant with warning

The conviction sat between the 3-5 year period stated in the guidelines and taking into consideration the nature of the offence and the sentence imposed, it was felt that sufficient time had elapsed since the conviction had been handed down by the courts for the applicant to be considered a fit and proper person to hold a licence.

6.0 Appeals (4)

6.1 During the period of April – June 2019, there were 4 appeals submitted relating to Sub Committee decisions:

1. Refuse to renew a private hire driver licence, decision made in April 2019
Hearing: Magistrates Court on 11 November 2019
Outcome: TBC
2. Refuse to renew a private hire driver licence, decision made in April 2019.
Hearing: Magistrates Court on 16 July 2019
Outcome: Appeal dismissed, No order for costs due to means

Hearing: Crown Court on 8 November 2019
Outcome: TBC
3. Refuse to renew a Hackney Carriage driver licence, decision made in June 2019.
Hearing: 4 December 2019
Outcome: TBC.
4. Revocation of Hackney Carriage driver licence, decision made in June 2019.
Hearing: Magistrates Court on 16 October 2019
Outcome: Appeal Dismissed, £350 costs awarded to MCC

7.0 Conclusion

- 7.1 The report has provided a summary of the activity of the Taxi and Private Hire Compliance Team in Quarter 1 of 2019/20 (April – June 2019). 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.