

## **Report of the Strategic Director Place to the meeting of Overview & Scrutiny Committee to be held on 9<sup>th</sup> December 2021.**

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**Subject: HACKNEY CARRIAGE AND PRIVATE HIRE SERVICE.**

### **Summary statement:**

This report aims to inform the committee of the key role of the hackney carriage and private hire service, what its responsibilities are and how it carries out those responsibilities.

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**Portfolio:**

**Health & Wellbeing**

**Overview & Scrutiny Area: Corporate**

## **1. SUMMARY**

This report aims to inform the committee of the key role of the hackney carriage and private hire service, what its responsibilities are and how it carries out those responsibilities.

The aim of the Licensing regime is it only issues licences to drivers of good character and with sufficient driving ability and competence. Private Hire Operators should also pose no threat to the public nor should they have any links to criminality. Vehicles are to be of a sound mechanical condition, be comfortable and clean. They should also meet the requirements of Bradford City's Clean Air Plan.

The public should have reasonable access to both hackney carriage and private hire services due to the integral role they play in local transport provision.

## **2. BACKGROUND**

### 2.1 Council Responsibility

Bradford Council is the body responsible for carrying out the function of hackney carriage and private hire licensing in the Bradford District. The hackney carriage and private hire service (HCPH) carries out this function on behalf of the Council.

The primary responsibility of the service is the protection of the public whilst undertaking journeys in either a hackney carriage or private hire vehicle. It is important to recognise that hackney carriage and private hire are unique in the potential opportunity and risks they present to the travelling public. In no other mode of public transport are passengers as vulnerable or at risk of drivers with malicious intentions. These risks are increased for children and vulnerable adults. The 'trade' itself is also vulnerable to being used for criminal activity such as child sexual exploitation, county lines, drug dealing, money laundering and dishonest activity. The Casey Report (2015) also made it clear that weak and ineffective arrangements for hackney carriage and private hire licensing had left children and the public at risk. The public should have the utmost confidence in the licensing service being provided, that the trade is well regulated, that vehicles are safe, comfortable and clean, with drivers that are of a professional standard, have good character and have good customer service.

### 2.2 Legislation

In undertaking its licensing function, the Council will comply with relevant legislative requirements including:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts 1988/ 1991.

- Health Act 2006
- Human Rights Act 1998

### 2.3 Functions of Hackney Carriage and Private Hire

There are two types of licensed vehicle and driver which operate in significantly different ways; it would be fair to say that to most of the public using either service is often not aware of the distinctions.

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles encompass a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

In summary the distinctions are:

**Hackney Carriage (Taxis)** – Can ply for hire or be pre-booked, can sit on a rank, must use a taxi fare meter, fares are set by the Council & number of vehicles can be set by the Council.

Two licences are required a vehicle licence and a driver licence issued by the same authority.

**Private Hire** – can only undertake pre-booked work which can only be taken through an operator.

Three licences are required; vehicle, driver and operator, again issued by the same authority.

### 2.4 Licensing Policy and Delegated Powers

Licensing policy is used to regulate and set out the standards required for drivers, operators and vehicles. Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

There are many policies currently in use, these are being reviewed as required by the Department for Transport Statutory Guidance issued in July 2020 requiring Councils to review their policies to meet the Standards.

Details of the report can be found here: [DfT Standards](#)

The policy used to determine whether a driver can be issued or retain a licence is the [Driver Suitability Policy](#).

An applicant must satisfy the Council that they meet the 'Fit and Proper' test. This means that a person's background and character will be checked and assessed against a set of criteria.

Details of the policy can be found here [Driver Suitability Policy](#).

The term "Fit and Proper Person", more recently referred to as "safe and suitable" for the purposes of hackney carriage and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, the decision makers are effectively asking the following question of themselves:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the decision maker/officers are only 50/50 as to whether the applicant or licensee is 'fit and proper' or "safe and suitable", they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

During the application and renewal process the service requires certain documentation and checks to be met. A list of those checks and brief description of what they are can be found at Appendix A

Bradford operates a scheme of delegation which authorises officers to make licencing decisions according to their role. The scheme procedure works through a separation of investigation and decision making responsibilities in which enforcement officers conduct investigations and then present cases, with all supporting evidence, and their recommendation to a panel of senior specialist managers (normally three (min two)) when they are recommending refusal or revocation of a licence.

The specialist senior/panel managers are not involved with the investigation. They consider each case presented to them by the enforcement officer on its own merits and their decisions are documented, along with the evidence presented. During this procedure several enforcement officers are in attendance to both aide discussion and for development purposes. For a panel decision to be reached, all three senior managers must be in agreement. The panel procedure ensures objectivity, independence, avoidance of bias, transparency, accountability and consistency. Decisions made by the panel may be appealed through the Magistrates

Court and Bradford's Licencing Service has an outstanding track record of upholding its licensing decisions in Court.

The Officer review process is started when a concern has been raised with an individual's suitability to hold a Licence. This could be following an application, complaint, arrest, driving conviction or failure to abide by Licensing Conditions.

When initiating an Officer Review, an Enforcement Officer will write to the person being reviewed informing them why they are under review and providing them with an opportunity to submit any evidence to support their fit and proper status. An individual can submit any evidence they feel supports their position including statements and references. The standard allocated timeframe for an individual to submit their evidence is 10 Days from the date of the notice, however, this can be shortened where there is a clear risk to the public and on occasion, it may be appropriate to interview an individual who is under review at much shorter notice. Once all evidence has been collated, the reviewing officer will consider this, along with the documented history of the driver and all associated legislation. The officer will then conclude their findings in a report and submit a recommendation to conclude the review to the panel of senior managers.

All reviews and outcomes are considered on an individual basis, there is no precedent set in concluding an individual review.

Any appeal to the outcome of an Officer Review where the individual is aggrieved with conditions, refusal or revocation of their licence must be submitted to the Magistrates Court with 21 days of the decision notice.

## **A guide to the roles, responsibilities and legislation for personnel involved with Hackney Carriage and Private hire attached as Appendix B**

### 2.5 The HCPH Service

Bradford Council has currently licensed  
Private hire drivers 4517  
Private hire vehicles 3106  
Private hire operators 104  
Hackney carriage drivers 296  
Hackney carriage vehicles 214

### 2.6 Current Structure

The structure for the service is attached as Appendix C

The Licensing Service currently employs officers from the BAME, LGBTQ+ and Eastern European communities. All staff are respectful towards all of the protected characteristics of the Equality Act and enjoy embracing the many religious festivals & days of celebration the service shares with our customers and staff.

## 2.7 Customer & Service Performance

A Customer Charter has been put in place which sets out clear expectations of how the hackney carriage and private hire service will work with the trade.

The service is looking at ways it can better interact with the licensed trade, provide help, support and guidance where needed and evidence excellent customer Services.

## 2.8 Provide excellent customer service with council staff attentive to drivers requests with regular driver satisfaction surveys for drivers.

Drivers deserve and should expect to always be treated with the respect and dignity associated with high standards of customer service.

The service has introduced a simple, 'click the number of stars' survey to licence holders for their feedback. The survey asks the customer to rate the helpfulness of the staff member, ease of process and other key points as well as the opportunity to provide specific feedback.

Report on the Customer Surveys is at Appendix D

## 2.9 Deliver prompt responses to written correspondence, queries, issues and concerns raised by drivers with a response provided within 24 hours and dedicated appointment slots each day for those with urgent cases.

In October/November 2020 the service in conjunction with operators from the trade produced a Service Level (SL) which is used by both the licensed trade and the service itself to set out timely expectations for the driver renewal process and the new and renewal vehicle application processes. The SL's and an explanatory email was sent to all licensees on 25<sup>th</sup> November 2020.

Details of the SL's can be found at Appendix E

## 2.10 Renewal Applications

The licence renewal process allows 42 days (6 weeks) to complete, allowing time for any potential queries to be resolved.

A renewal invitation is emailed to the applicant 6 weeks prior to expiry. Once the checks are completed the licence is issued with no loss of time/licence fee to the licensee.

Below is a table which details the number of applications submitted for processing, followed by the number of days it took for the applicant to submit the application from the date the renewal invitation was sent. Next is the number of days it took for an officer to pick-up the application and begin to process it. The final number is the total number of days taken to process and issue a driver licence, in the case of a vehicle application is shows the number of days until the vehicle is booked in for test.

## 2.11 Licensing Process Statistics from the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> October 2021

Licence Type	No of Licences	No of days for applicant to apply	No of days for Application to be accepted	No of days taken to process licence
Driver Renewal	1149	23.69	2.37	19.29
New Vehicle	1127	n/a as no renewal	2.84	21.88
Renewal Vehicle	1473	17.60	2.52	24.95

## 2.12 New Driver

New driver application progress can vary, often depending on the personal circumstances of the applicant. The service has contacted and progressed 363 drivers who were in mid process prior to lockdown.

The Service recommenced process new applicants in July 2021, to date 476 drivers have had their application progressed.

## 2.13 Enforcement Team

The Enforcement team carry out a variety of tasks, table highlighting the main of these is below.

<b>Enforcement Action Oct 2020 – Oct 2021</b>	<b>Total</b>
Complaints received from members of the public	346
Complaints made about the Licensing Service	3
Evening and weekend patrols (Enforcement Officers conducting random vehicle/driver compliance inspections and base checks)	55
Full Operator Base Audits	103
Officer Review investigations	171
Officer Review Panel hearings	25
Warning notices issued	566
Driver applications refused	18
Driver Licenses Revoked	27
Court appeals pending (as at 10/11/2021)	14
<b>TOTAL</b>	

## 2.14 Provide a designated contact telephone line through which drivers can raise any queries, issues and concerns that must be addressed in a timely manner.

The Customer Contact Centre has been taking these calls and it has been working well. The contact centre is answering queries where they can, more technical or specific queries are passed directly back to the licensing team. Calls being passed to the service are reducing and all are being responded to promptly.

The service is monitoring calls and response timeframes. We can report that between 10<sup>th</sup> May and 12<sup>th</sup> July 2021 the call centre handles 1287 calls which resulted in 253 queries to the service. All these queries were responded to within 24 hours.

The service is also looking at how it responds to the emails coming into the service and can report that in 4 weeks of 4/10, 11/10, 18/10 and 25/10 the service received 4210 emails.

### 2.15 Email Enquiries

All queries, issues and concerns will be acknowledged and where possible a response will be provided within 3 working days. For longer more complex cases the customer will be kept up to date as progress is made with their case.

Following the 4210 emails that were received in October these emails are further divided into further categories to ensure urgent matters are dealt with as a priority. Emails received by the service include but not limited to; lost/stolen plate and badge, right to work extensions, road traffic accidents, enquiries about processes, help completing forms, support with the website, clean air zone queries, changing details with the service, GDPR requests and complaints/compliments.

### 2.16 Complaints and compliments received by the service

The service ensures it creates a clear pathway for customers/elected members to submit any complaints/compliments to the service.

The below figures are the number received in 2021 by type of complaint/query/compliment

**Councillor Queries** – This is a request from a councillor from the Bradford district as a result of a constituent approaching them about their licence. These usually include asking for an update for a delay in issuing someone's licence which can be for a number of reasons but the main reasons include satisfying a right to work check and awaiting a DBS. The service has received 39 of these to date in 2021 and all 39 queries have been answered and Councillor's satisfied with the conclusion the service has provided.

**Service Complaints** – These are complaints received directly from a licensee who may be unhappy/dissatisfied with the service they have received from an Officer. These usually include asking for an update for a delay in issuing a licence, requesting a refund and asking the service to depart from policy. The service has received 22 of these to date in 2021 and all 22 complaints have been answered with only 2 complaints progressing to a Stage 2 complaint. Of the 2 complaints that were progressed to Stage 2 neither were upheld.

**Stage 1 Complaints** – These complaints have been submitted formally to be investigated under the full Stage 1 complaints process. The service has received 2 of these to date in 2021 and both have been answered with neither progressing to a Stage 2 complaint. Both of these complaints included a delay for vehicles. One complaint was resolved and closed whilst another was not upheld as the customer had not provided an insurance certificate which is a mandatory check to receive licensed plates for a vehicle.

**Compliments** – The service usually receives compliments verbally from customers after a positive interaction. The service introduced Customer Surveys in August 2021



to capture feedback from customers. In 2021 outside of the customer surveys the service has received 3 compliments in writing praising staff members for their help.

### 2.17 Trade Meetings

The first Trade meeting recommenced on the 28<sup>th</sup> July 2021. Meetings are to provide a transparent dialogue between Senior Officers, Elected Members and the Trade to focus on important updates, identify improvements and provide updates on key issues.

The service's Customer Services Manager has, and will continue to lead on new initiatives which will focus on how we can improve our relationship with the trade to include; staff/customer relationships, further review of communication of our understanding of customer needs and their interaction with the service.

We will have regular working groups where ideas, concerns and future changes can be discussed constructively to provide clarity and understanding.

We can go to the customer, for example visits to base at the request of operators as well as provide help, guidance and support where needed, including drop in sessions for any licensee.

### 2.18 Impacts of the Covid pandemic on the Trade

During the initial stages of the pandemic around 2,000 licences were extended free of charge at a time when officers were having to personally adapt to the risks of COVID-19 and the significant limitations of home working.

Officers patrolled the district throughout the pandemic, issuing guidance on reducing risk of infection to drivers and passengers. They have actively encouraged and advised drivers, proprietors and operators to clean their vehicles between bookings; use PPE and apply best practice for social distancing whilst at the same time enforcing licencing conditions set by the Council and ensuring the safety of the travelling public.

In addition to licence extensions, drivers were offered the opportunity to take a licencing holiday to help keep their costs down as there was, and still is, a significantly reduced demand for licenced vehicle services.

Officers distributed in excess of 30,000 face coverings, 6,000 bottles of hand sanitiser and 3,000 in-vehicle partition screens to drivers for free as well as arranging a COVID sterilisation service for licenced vehicles.

Considering the financial strain on licenced personnel and also in preparation for the forthcoming CAZ in 2022, licenced vehicle proprietors have been allowed to extend the life of their current vehicle in order that they do not have the expense of changing their vehicle at this time. The Service has also allowed vehicles to be temporarily replaced with older vehicles, over 5 years of age, which is against licencing policy. These concessions have been granted to help vehicle proprietors keep costs down.

Licensing Service officers made every effort to keep licensees working during an extremely challenging time which has required significant adaptations to service procedures and processes to keep licensees and officers safe. Officers volunteered to work evenings and weekends to address workloads and to provide additional vehicle safety inspection testing to minimise delays.

At its peak the trade saw a decrease of c70% in trade. The above actions resulted in Service workloads increasing to around three times the normal level.

## 2.19 Challenges

The biggest challenge the trade face is a reduction in drivers as licence holders have moved into other areas of employment during the pandemic. As customer demand increases the trade will need to meet the public need.

The introduction of a Clean Air Zone will result in the trade having to upgrade their vehicles to meet requirements, causing finance challenges.

## 2.20 Statutory Guidance Department for Transport (DfT)

Statutory Guidance issued by the DfT in 2020 is currently under review. Both the Service and the Trade face challenges and changes to conditions in order to meet the requirements of this legislation.

The Licensing Service has commenced engagement on the DfT guidance and is working with a group of Operators who volunteered to review potential changes. Legal consultation has also begun. Recommendations for condition changes will be submitted to the Regulatory and Appeals Committee in 2022, along with a reviewed publication of the conditions in a revised format per licence type. As the service reviews all of its Licensing policies a Suitability Policy for Proprietors and Operators is being introduced.

## **4. FINANCIAL & RESOURCE APPRAISAL**

### 4.1 Fee Structure

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing the licensing services. This includes the administration of applications and ensuring compliance by licensees within the Hackney Carriage and Private Hire trade.

Income from fees is ring fenced and are periodically reviewed at the discretion of the Council.

There has not been an increase in the licence fees for a number of years. During this time both the number of licensees and the checks required to be carried out have increased considerably and a review of the fees will be undertaken during the next financial year.

Bradford's drivers licence fees are low by comparison to other authorities.

Comparisons of fees is very complicated as all authorities have different criteria which can be separated as additional costs but all add towards the total fee to be paid, these include, different vehicle age & livery, costs for tests, DBS and update service, admin fees and others.

Below is a table showing some examples.

	Renewal Driver		New Vehicle		Renewal Vehicle	
	1 year	3 year	5y & under	6y & above	5y & under	6y & above
Bradford	81.00	238.00	165.00	240.00	165.00	240.00
Calderdale	104.00	239.00	166.00	166.00	166.00	166.00
Kirklees	n/a	277.00	236.70	236.70	182.00	182.00
Leeds	168.00	444.00	250.00	360.00	135.00	245.00
Craven	151.31		278.94		278.94	
York	n/a	271.00	334.50		265.50	
Manchester	267.00		280.00	405.00	265.00	401.00

## 5. RISK MANAGEMENT AND GOVERNANCE ISSUES

If there are no significant risks arising out of the implementation of the proposed recommendations it should be stated but only on advice of the Assistant Director Finance and Procurement and the City Solicitor.

## 6. LEGAL APPRAISAL

All licensing Policy and Conditions of Licence are subject legal approval.

## 7. OTHER IMPLICATIONS

### 7.1 EQUALITY & DIVERSITY

We believe that any service performs at its best when it is reflective of the community it serves. We will work hard to promote vacancies across a range of media and provide clear information and advice about how to prepare for interview so that it is a transparent level playing field throughout the recruitment process.

The Licensing Service currently employs officers from the BAME, LGBTQ, Eastern European and Jedi communities. All staff are respectful towards all of the protected characteristics of the Equality Act and enjoy embracing the many religious festivals and days of celebration the service shares with our customers and staff.

When considering the Equality Act 2010, the Council will also have regard for the Public Sector Equality Duty, which places a duty on the Council to have due regard to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster or encourage good relations between people who share a protected characteristic and those who do not.

Through the Policy, the Council seeks to deliver on the duties placed upon it through the Equality Act. The Council will have regard for the above measures in dealing with the licensing objectives, by protecting the public and licensed drivers from discrimination and ensuring that any unlawful discrimination is dealt with appropriately, working with representatives of the trade and the Police.

## **7.2 SUSTAINABILITY IMPLICATIONS**

None

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

None

## **7.5 HUMAN RIGHTS ACT**

None

## **7.6 TRADE UNION**

None

## **7.7 WARD IMPLICATIONS**

None

**7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS  
(for reports to Area Committees only)**

None

**7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None

**7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

None

**8. NOT FOR PUBLICATION DOCUMENTS**

None

**9. OPTIONS**

None

**10. RECOMMENDATIONS**

Recommended - That the Committee consider and comment on the report.

**11. APPENDICES**

Appendix A – New Applicant checks

Appendix B - A guide to the roles, responsibilities and legislation for personnel involved with Hackney Carriage and Private hire

Appendix C – Structure

Appendix D – Customer Survey Feedback

Appendix E - Customer Service Levels

## Appendix A – New Applicant checks

Medical check	A form is completed by the drivers GP to confirm that they are fit to drive a PH/HC vehicle, with no underlying medical condition that may affect their ability to drive, and with good enough eye sight
Statutory Declaration	A declaration that is countersigned by a solicitor/JP etc. that confirms the driver's identity. This includes a countersigned photograph and confirmation that what they have declared, if anything, is true.
Right to work (RTW)	Confirmation that the prospective driver has a right to work in the UK and is not disqualified from holding a licence by their immigration status
National Register of Refusals & Revocations (NR3)	This is a register that holds all information of drivers that have been refused or revoked by a licensing authority. Being on the register does not automatically preclude a prospective driver from holding a licence as all applications are looked at on their own merits
English Language Assessment	Prospective drivers must have conversation English, and the capability of writing a receipt for a customer
Driving Licence Status Check (DVLA)	This is a check using the drivers DVLA licence to confirm if the licence is clear or there are any points or driving convictions
Disclosure & Barring Service (DBS) (3 Forms of ID)	We require 3 forms of matching ID to confirm identity of an applicant. These are verified and confirmed with CBS, who submit the DBS application
Registration to the DBS update Service	When a DBS certificate has been issued it must be subscribed to the update service. This ensures that mid-licence checks can be done without the requirement for a new DBS certificate.
Driver Assessment (DSA)	An initial driving assessment done by an external provider. Customers have the choice of 3 companies
Advanced driver Assessment for Young Driver (if Required )	This is only required if an applicant has had their DVLA licence for less than 3 years. An example is the Pass Plus test
Officer Review	If a prospective driver does not meet the driver suitability standards, their application is reviewed by an Enforcement Officer. Recommendations

	may be to refuse, grant, or grant with conditions, dependent on the reason for the review
Modular Training & Knowledge Test, and wheelchair training if applicable	This training is done by the council and covers a variety of subjects; vehicle safety, driver suitability, CSE, County Lines, disability awareness, customer service and Local knowledge. Wheelchair training is compulsory drivers that will be driving a wheelchair accessible vehicle (WAV) and ensures that wheelchair passengers are transported safely & securely
Operator Letter (PH drivers)	This is a letter from the operator that the PH driver will be working for, confirming that they will be working for them

**Appendix B** - A guide to the roles, responsibilities and legislation for personnel involved with Hackney Carriage and Private hire attached.

The guide has been produced to provide a brief overview of above in response to frequently asked questions (FAQs) and should be read in conjunction with the relevant legislation (“Acts”) and the Councils Licensing Standards and Procedures.

The guide has been divided into two parts, Part A primarily deals with roles and responsibilities and Part B legislation.

The guide covers:

### **Part A**

- Role and Responsibilities of Officers – Enforcement of the 1847 and 1976 Acts and Policy
- Delegated powers for the posts of Workshops Inspectors / Enforcement Officers / Licencing and Enforcement Managers / Licencing Service Manager / Principal Officer
- Role and Responsibilities of the Regulatory and Appeals Committee (HCPH Policy)
- Information Provision and/or Engagement with the Hackney Carriage and Private Hire Associations in Bradford
- Role of Trade Associations and their Representative Members
- The Council’s responsibility for providing a Hackney Carriage and Private Hire Service

### **Part B**

- The Statutory and Regulatory Service

### **PART A**

#### **Role and Responsibilities of Officers – Enforcement of the 1847 and 1976 Acts and Policy**

1. The Councils officers have delegated authority under the provisions of the Local Government Act 1972 and the 1976 Act to make decisions in relation to both the grant and refusal of licences and to investigate and report criminal offences under the 1847 and 1976 Acts.
2. Officers with delegated powers are also charged with applying and enforcing the provisions of Council Licensing standards and procedure document as set down in



the latest June 2015 edition. The policy has been approved by Elected Members of the Regulatory and Appeals Committee.

3. The Licencing Service Manager is the HCPH Departmental Manager with full responsibility for managing the Service. This role requires that they be actively engaged in all Service matters including the development, mentoring, coaching and leadership of Officers within the service. As such it is routine for Managers and Officers to involve the Licencing Service Manager in unusual, complex and/or sensitive issues in order to seek advice and guidance. The aforementioned includes both verbal and written support.
4. Principal Officer, Fleet and Transport Services (FTS), has overall responsibility for the management of all Services which fall within FTS. These include: Fleet Workshops; Passenger Transport Services (PTS); the Council's procurement, maintenance, repair and disposal of vehicles and plant and the HCPH Service. This is a hugely diverse role and requires they be actively engaged in all Service matters including the development, mentoring, coaching and leadership of Managers and Officers within these services. As such it is routine for all Managers and Officers to involve the Principal Officer in unusual, complex and/or sensitive issues in order to seek his advice and guidance. The aforementioned includes both verbal and written support.
5. Officers who have delegated authority to grant or refuse licences are set out below.

**Delegated powers for the posts of Workshops Inspectors / Enforcement Officers / Licencing and Enforcement Managers / Licencing Service Manager / Principal Officer**

The following officers have delegated powers as set out below.

1. Workshop Inspectors - to act in accordance with the act to inspect and suspend vehicle licences where reasonably necessary.
2. Enforcement Officers- are appointed by the Council to investigate and report criminal offences under the 1847 and 1976 Act i.e. act as " authorised officers".
3. Licencing Service Manager – to grant or refuse all types of licences under the 1847 and 1976 Act.
4. Licencing and Enforcement Managers - to grant, refuse or suspend all types of licences under the 1847 and 1976 Act.
5. Principal Officer (PO) - to grant, refuse or suspend all types of licences under the 1847 and 1976 Act.

## **Role and Responsibilities of the Regulatory and Appeals Committee (HCPH Policy)**

1. The role of the Councils Regulatory and Appeals committee is to receive reports from various departments of the Councils connected with policy issues. The Councils Hackney Carriage and Private Hire Licensing Policy and standards and amendments to existing Byelaws are made by way of report to that committee for a confirmation of officer recommendations.
2. The Councils Policy can from time to time be amended and is drafted to promote the protection of the traveling public.
3. The latest edition of the Councils Hackney Carriage and Private Hire Licensing standards and procedure and vehicle licence conditions can be found on the council website and copies are made available to all licence holders.

## **Information Provision and/or Engagement with the Hackney Carriage and Private Hire Associations in Bradford**

1. The democratically elected members of the Council for the district from time to time wish to consult or engage with representatives of the HCPH associations in the Bradford district in order to promote good relations.
2. There is no statutory duty under either the 1847 or 1976 Acts placed on the Council to consult in relation to changes to its licensing standards or terms and condition. The Councils licensing policy is based on the statutory duties and responsibilities created the 1847 and 1976 Acts as amended.
3. Where the Council propose to change its policy on licensing standards and the change is not required by statute but moreover to maintain or raise standards or bring about a consistency across the licenced trade it will engage with the trades in order to hear their views.
4. The process of engagement may be by a limited number of meeting and representations or objections in writing but ultimately the final decision on policy is that of the Councils Regulatory and Appeals committee as recommended by Officers subject to appeal to the Courts.
5. The Council also welcomes engagement with and constructive representation from the HCPH trade which is arranged by senior officers of the Council HC & PH Licencing Service running trade engagement sessions accordingly.
6. It is expected by the Council that both representatives and officers and elected members of the Council are treated with mutual respect at such meetings even where differing opinions are voiced.

## **Role of Trade Associations and their Representative Members**

The aim of an Association/Representative is to work with the Council and its members to achieve high standards and practice for the benefit of its members, the travelling public at large, the customers that they serve and to create as favourable a business climate as possible for its members. Trade Associations and Representatives are required to:

- a) Submit a written Constitution for their Association. This should include a set of rules or an agreement governing the aims of an organization, how it will be run and how the members will work together. There should be a chair, treasurer and secretary to form a constituted body. All representatives should be named along with their key roles and what they will be responsible for discussing at meetings.
- b) Have a minimum of 50 licensed members and provide an accurate membership list annually or when requested.
- c) Send a maximum of two licensed Association Representatives to HCPH meetings and they are required to attend a minimum of 75% of licence meetings per year.
- d) Demonstrate a good knowledge and understanding of HCPH licensing in order for meaningful discussion to take place. (Please note that this will include compliance with application and assessment procedures).
- e) Representatives should be a licensed operator or driver, as appropriate, in order to best represent the views of operators or drivers.

**Note:** Whilst engagement with the Trade Associations is welcome they should be aware that meetings with Officers of the Council are to provide a forum for dialogue and exchange of views rather than negotiation.

## **Part B**

**Licensing and Enforcement of Hackney Carriage and Private Hire Vehicles (taxis) Drivers and Operators Town Police Clauses Act 1847 (The 1847 Act), Local Govt. (Misc. Provs.) Act 1976 (The 1976 Act). The Transport Act 1985 (The 1985 Act)**

The following should be read alongside the relevant Acts above and the Councils Licensing Standards and Procedures.

### **1. The Council's responsibility for providing a Hackney Carriage and Private Hire Service**

- a. The 1847 and 1976 Acts regulates the driving and operation of hackney carriage taxis (no prior booking required) in the Councils district. The 1847 Act has been in force in Bradford since the latter end of 19th century.
- b. In 1981 the Council resolved under section 45 of the 1976 Act to adopt its Part II provisions to create a Council licenced private hire taxi service (prior booking required via an operator's office) for the whole of its area ("the controlled district").

## **2. The Statutory and Regulatory Service**

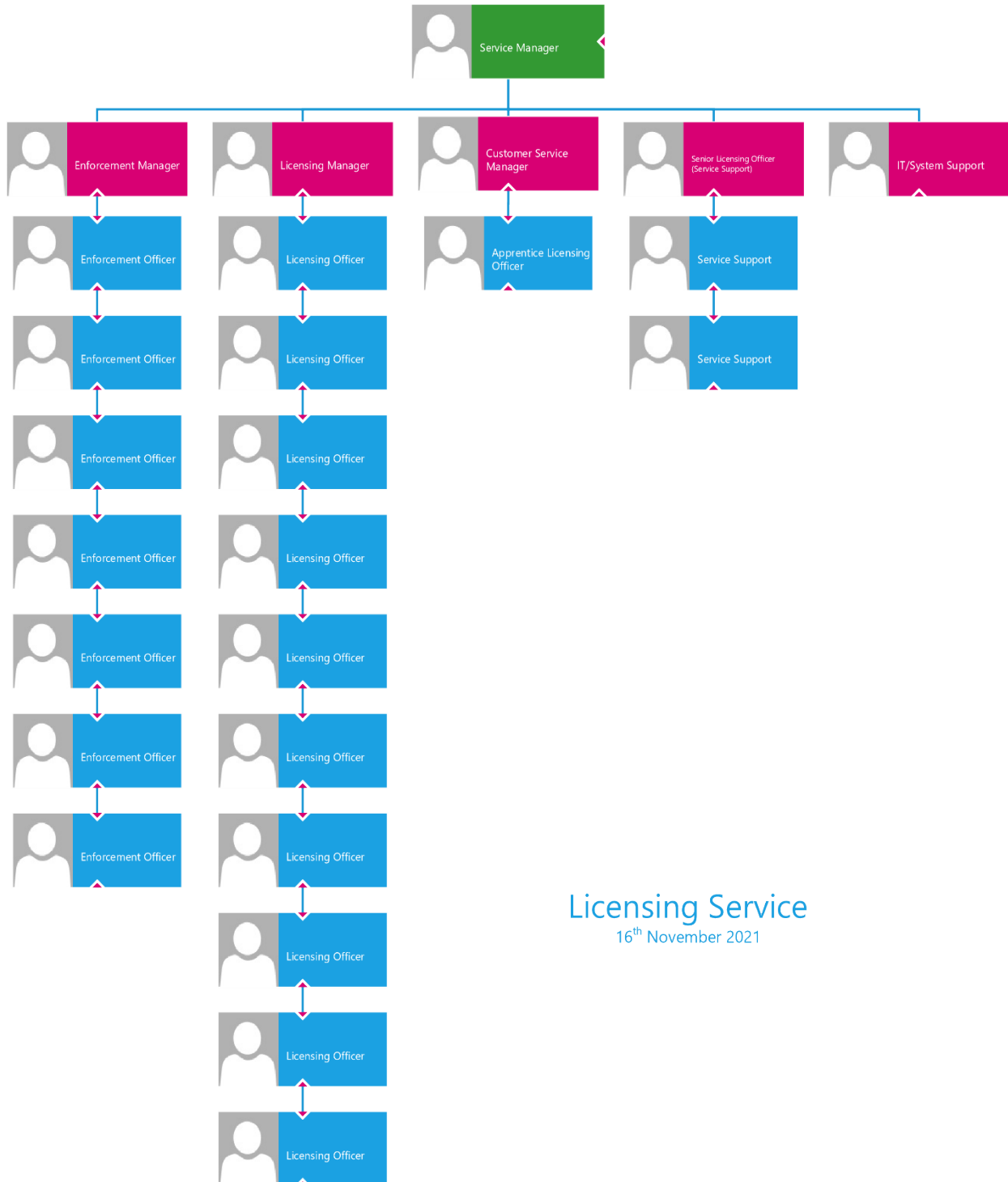
- a. The 1847 Act and Part II of the 1976 Act sets out the requirements and rules relating to the grant and refusal of licences for hackney carriage and private hire vehicles, drivers and operators of those vehicles. Those two Acts also set out the duties and powers placed on and provided to the Council and the responsibilities of proprietors of licenced HC and PH vehicles, drivers and operators.
- b. The 1847 Act, 1976 Act and the Councils Hackney Carriage 1980 and 1983 Byelaws create various criminal offences which may be committed by those licenced should they fall foul of the regulatory provisions as set out. The regulatory regime creates a duty of both the Council the Courts and those licensed to protect the traveling public (Nottingham City Council v Farooq (1998)).
- c. It should be noted that it is not a criminal offence for a person to fail to comply with a condition of licensing but may be a reasonable cause to refuse or suspend or revoke an existing licence.
- d. Section 46 of the 1976 Act creates the following criminal offences: -
- e. No person being the proprietor of a private hire vehicle (s 46(a)) shall use or permit a vehicle to be used in a controlled district without a licence under section 48 (vehicle licence) of the Act.
- f. No person shall in a controlled district act as a driver of a private hire vehicle without a current licence (drivers licence) under s51 of the Act.
- g. No person being the proprietor of a private hire vehicle licensed under the 1976 Act shall employ as the driver of the vehicle for the purpose of hiring where the person does not have a driver's licence under s51.
- h. No person shall in a controlled district operate any vehicle as a private hire vehicle without a current licence under s55 (operator's licence).
- i. No person licensed as an operator shall in a controlled district operate any vehicle unless a current private hire vehicle licence is in force under section 48 OR the driver has a licence under section 51.  
NB If any person knowingly contravenes the provisions of s46 s/he shall be guilty of the offence.

- j. Section 47 of the 1976 act provides for conditions to be attached to hackney carriage licences which are reasonable and that the vehicle should be of a particular design and appearance.
- k. Section 48(1) of the 1976 Act provides that the Council may on application grant private hire vehicles licence but shall not grant vehicles licence unless it is satisfied the vehicle is suitable (see Act) safe and comfortable.
- l. Section 48 (2) of the 1976 Act provides the Council may also attach conditions they may consider reasonably necessary including conditions prohibiting the display of signs on or from the vehicle.
- m. Section 48 (6) creates an offence without reasonable excuse where a person uses or permit to be used in a controlled district a private hire vehicle unless a plate or disc issues under s48 (5) is displayed.
- n. Section 49 of the 1976 Act requires a proprietor of a hackney carriage or private hire vehicle to report any transfer of the licence (within 14 days) and the name and addresses of the relevant parties in writing to the Council and failure to do so is an offence.
- o. Section 50 of the 1976 Act requires proprietors of private hire or hackney carriage vehicles present vehicles for testing. NB under section 70 of the Act the Council may charge reasonable fees (see section 70) for the provision of vehicle and operator's licences.
- p. Sections 51 and 55 of the 1976 Act state that private hire driver's licences (section 51) and operator's licences (section 55) shall not be granted unless the Council is satisfied that the applicant is a fit and proper person and if a driver has a RTA 1988 licence for at least one year and is not so disqualified due to his/her immigration status. Conditions can be attached which are reasonably necessary and a person aggrieved may appeal within 21 days from the date of the decision to the magistrate's court.
- q. Section 52 of the 1976 Act allows for appeals by applicants refused a driver's licence to the magistrate's court.
- r. Under section 53 of the 1976 Act a licence to drive a private hire or hackney carriage shall remain in force for 3 years or a lesser period as the Councils thinks fit. Failure to produce when requested without reasonable excuse a copy of the licence to an authorised officer or police constable is a criminal offence.
- s. Section 54 of the 1976 Act requires the Council when issuing a driver's licence under section 51 to issue a badge as evidence of the grant of the licence and failure to wear it is a criminal offence.
- t. Section 55 of the 1976 Act relates to the licensing of operators (see above)

- u. Sections 55ZA (relates to special licences for those subject to immigration control) and 55A allows for subcontracting by operators (as inserted by the Immigration Act 2016 and the Deregulation Act 2015). Section 55B creates criminal offences by operators who do not follow the sub-contracting rules.
- v. Sections 56 of the 1976 states contracts for hire are made with the operator who accepted the booking whether or not he provided the vehicle. Section 56 all required operators to keep records of every booking in the forms as required by the Council and to fail to do so without reasonable excuse is a criminal offence.
- w. Section 57 of the 1976 Act requires applicants for licences to submit information (details set out in the section) to the Council and creates an offence of knowingly or recklessly making a false statement.
- x. Section 58 of the 1976 Act requires the return of the plate or disc on revocation or expiry of licences and failing to do so without reasonable excuse is a criminal offence.
- y. Section 59 of the 1976 Act states the Council shall not grant a hackney carriage drivers licence unless they are satisfied the applicant is fit and proper and has a RTA 1988 licence for at least one year and is not disqualified by reason of the applicant's immigration status. A person may appeal to the magistrate's court if refused a licence
- z. The Council may suspend or and revoke vehicle, drivers and operator's licences under section 60, 61 and 62 of the Act for the reasons and set out e.g. the vehicle is unfit, the driver or operators have committed relevant offences or any other reasonable cause. Immediate suspension can be applied under section 61(2B) (inserted by Road Safety Act 2006)
- aa. Under section 62A of the 1976 Act the Council can suspend or revoke licences on immigration grounds (inserted by Immigration Act 2016)
- bb. Under section 63 of the 1976 Act the Council may provide hackney carriage stands with its district and other vehicles commit an offence under section 64 if they cause or permit other vehicles to wait on the stand.
- cc. Under section 65 of the 1976 Act the Council can fix fares for hackney carriage and sections 66 67 and 69 creates criminal offences in respect of fares for long journeys, hackney carriages used as private hire vehicles and prolongation of journeys.
- dd. Section 68 of the 1976 Act allows authorised officer of the Council and police constables to inspect and test hackney carriage and private hire vehicles for fitness of use.

- ee. Section 70 allows the Council to fix fees for licences in relation to vehicle and operators licences.
- ff. Sections 71 and 73 of the 1976 Act creates offences relating to taxi meters and obstruction of officers.
- gg. All offences under the Act carry a maximum fine of level 3 on the standard scale which is currently £1000.
- hh. Additional offences are created under the 1847 Act in relation to Hackney carriages alone namely section 45 ( plying for hire ) section 47 ( no drivers licence ), section 52 ( no number of passengers on vehicle) section 53 ( refusing to drive ) section 54 ( penalty for demanding more than sum agreed) section 61 ( penalty on drivers misbehaving ) section 62 ( unattended carriages in places of public resort ), and under section 64 ( improper standing etc. with carriage ) and under section 66 an offence of a passenger refusing to pay a reasonable fare demanded
- ii. Section 68 of the 1847 Act allows for the Council to make bylaws relating to hackney carriages which it has done and which are published on its licensing booklet which is available on the Councils website.

## Appendix C – Structure



Licensing Service

16<sup>th</sup> November 2021



## **Appendix D – Customer Survey Feedback**

Customer Surveys are a good way to collect information from your customers and gain valuable insight into what they think is good and what could be improved. Providing excellent customer service is the main priority and to be able to carry on delivering this the following surveys were created to gather feedback.

In August 2021 the service created 5 different surveys to gather information about different parts of the service and how well we do at them. The surveys are split into 5 categories:

**General Queries** – This survey is used across the service to by all Officers when they have had an interaction with a customer about something other than the below. This could range from contacting us for guidance on a query, following an Officer review, changing their Operator and the list goes on. After the Officer has dealt with the query this survey will be sent for the customer to complete to feedback how their experience was.

**New Driver** – When a new driver application is received the Officer will carry out the mandatory checks as well as request any necessary documentation. When the new applicant has provided the necessary documents the Officer will book an appointment with the applicant to carry out the English assessment as well as other checks. Once this has been completed the Officer will send this survey to collect feedback how the customer feels the process has been.

**New Vehicle** – When a new vehicle application is received the Officer will carry out the mandatory checks as well as request any necessary documentation. When the vehicle has been booked for a vehicle safety inspection the Officer will send this survey to collect feedback how the customer feels the process has been.

**Renewal Driver** – When a driver renewal application is received the Officer will carry out the mandatory checks as well as request any necessary documentation. When the badge has been issued and is ready to be sent out the Officer will send this survey to collect feedback how the customer feels the process has been.

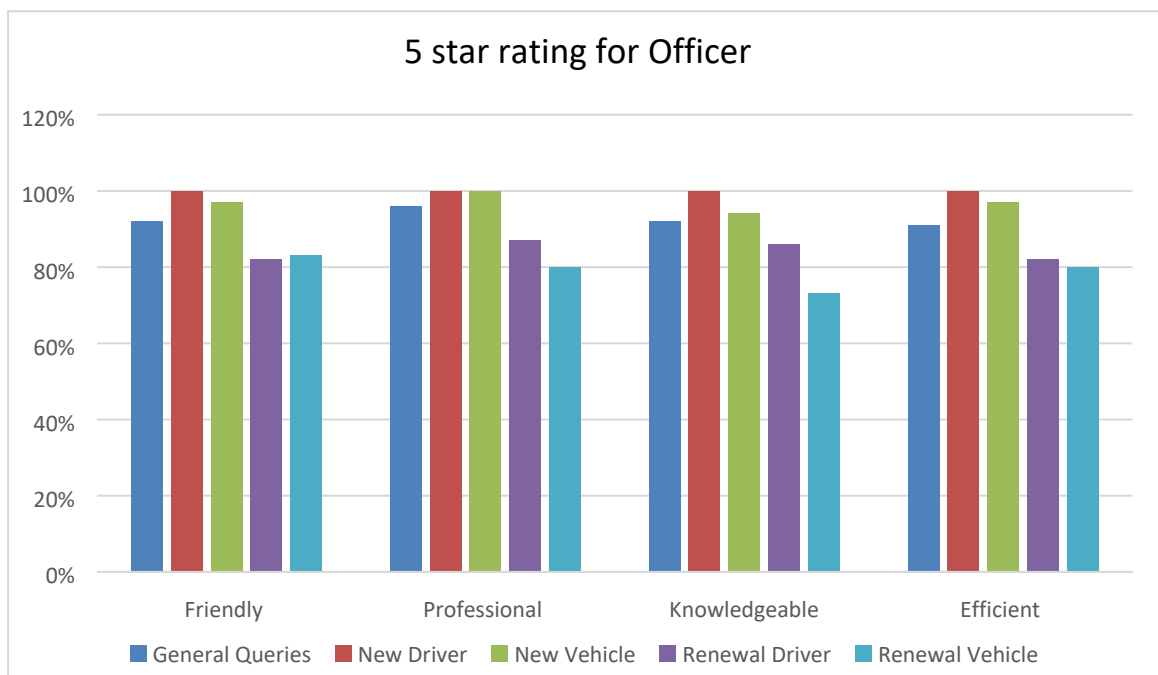
**Renewal Vehicle** – When a vehicle renewal application is received the Officer will carry out the mandatory checks as well as request any necessary documentation. When the vehicle has been booked for a vehicle safety inspection the Officer will send this survey to collect feedback how the customer feels the process has been.

The below data will show how many surveys have been sent since launching and how many have been received back.

Survey Type	Sent	Received
General Queries	155	24
New Driver	22	9
New Vehicle	454	36
Renewal Driver	207	31
Renewal Vehicle	325	18

In every survey we ask the customer to rate the Officer that dealt with their query in a number of categories. These include Friendly, Professional, Knowledgeable and Efficient.

The below data shows what percent of the results reflect the Officers getting a 5-star rating for the help they provided.



Customers are also asked to rate the service and how the experience was for them for that particular instance. The categories include Easy to Access, Efficient and Professional.

The below data shows what percent of the results reflect the Service getting a 5-star rating for this query.



Whilst the initial data looks positive work is being undertaken to increase participation from customers to complete the surveys. This is from sending increased surveys as well as the Customer Service Manager setting up workshops across the Bradford District where licensees can access help.

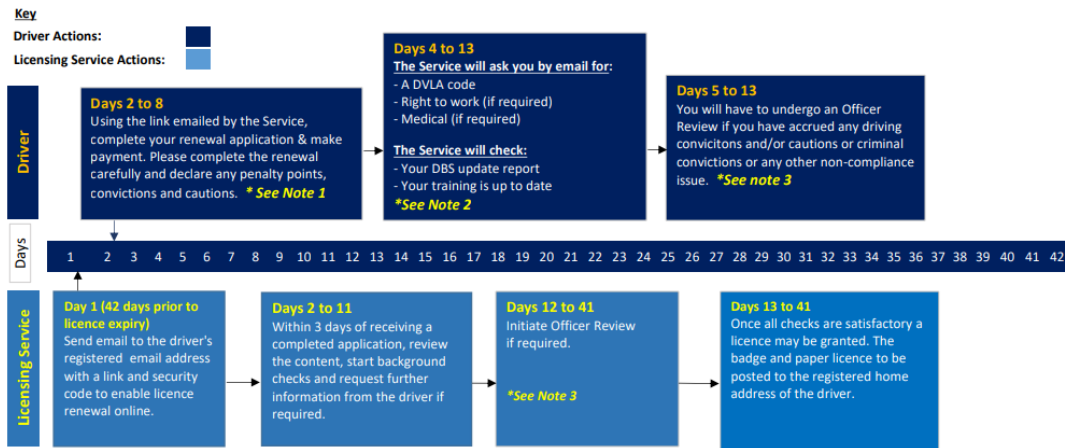
# Appendix E – Customer Service Levels

Driver

Renewal



## HCPH Service Level - Driver Licence Renewal

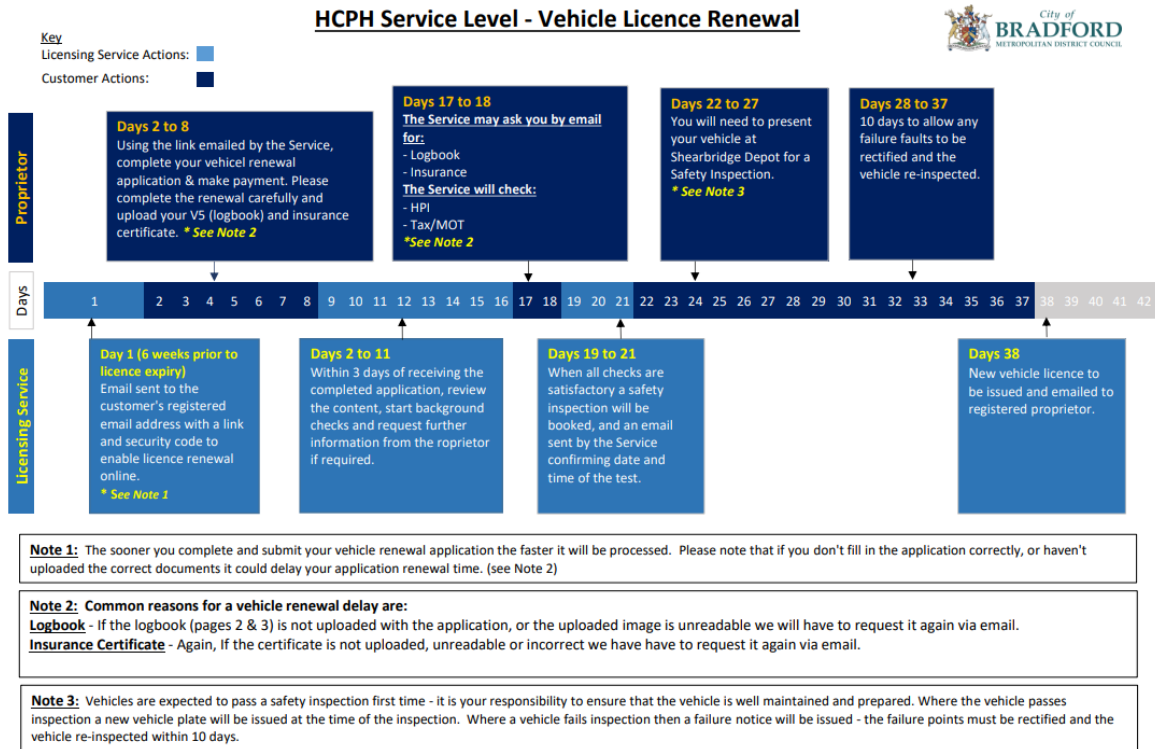


**Note 1** The sooner you complete and submit your renewal application the faster it will be processed. Please note that if you don't fill in the application correctly, haven't maintained your DBS Update subscription or don't declare any changes to your situation, e.g. penalty points, convictions etc., it will require an Officer Review which could delay your renewal time significantly (see Note 3).

**Note 2**  
**DBS** - The most common reason for a licence renewal delay is due to drivers not maintaining their payments to the DBS Update Service - which is a Condition of Licence. Note: you do **not** have to wait for your licence renewal to check that you are subscribed. If you find that you are not subscribed please contact the Service immediately.  
**Right to Work** - The Service needs to check your right to work has not expired. This information is available on your visa or biometric residence card.

**Note 3** If you are required to undergo an Officer Review you will be notified by email. You will be asked to submit any mitigating circumstances regarding the reason(s) for the Officer Review. It is important that you respond without delay as this process could take up to 28 days depending on the reason(s) for Officer Review.

# Vehicle Renewal



November 2020

## 12. BACKGROUND DOCUMENTS

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts 1988/ 1991.
- Health Act 2006
- Human Rights Act 1998