



## **WEST YORKSHIRE POLICE AND CRIME PANEL**

**5<sup>th</sup> May 2017**

### **Report on Taxi and Private Hire Vehicles Deregulation**

#### Introduction

This report is brought to the Police and Crime Panel in order to provide an update on Sections 10 and 11 of the Deregulation Act 2015 in respect of taxis and private hire vehicles in response to members' concerns in relation to private hire vehicles operating within the County from other local authority areas.

#### Background

There are basically two trades providing driver and car hire: taxis (hackney carriages), and private hire vehicles (PHVs) (minicabs). The main difference between the two is that taxis ply for hire from taxi ranks and can be hired in the street whereas PHVs must be pre-booked electronically, by telephone or calling in person at an office.

There is a large overlay between taxis and PHVs. An increasing proportion of taxis undertake pre-booked and contract hiring, and PHVs are not infrequently booked immediately before hire (e.g. at supermarkets or rail stations), so being used in a way almost indistinguishable from plying for hire. The dividing line between the two trades has therefore become increasingly blurred and there have been an increasing number of calls for clarity.<sup>1</sup>

A taxi driver has to satisfy two licensing bodies: the Driver and Vehicle Licensing Agency (DVLA) and the local authority. Licensing authorities must licence taxis and their drivers. In granting a taxi driver's licence the authority is required to satisfy itself that the applicant is a 'fit and proper' person. Authorities also license the vehicles to be used as taxis. Authorities may make byelaws covering such matters as fares and taxi ranks.

As PHVs are not permitted to ply for hire in the streets, or at a rank, like a taxi: they can only be hired through an operator, who usually controls their PHVs by means of radios. The owner of a PHV is usually referred to legally as its 'proprietor'; in practice most PHVs are owner-driven. PHV drivers and operators are subject to licensing if a licensing authority has adopted Part II of the 1976 Act or has similar provisions contained in a local Act. There is no control on the fares that may be charged. As PHVs have to be booked in advance, the customer is expected to agree the fare at the time of booking.

The licensing conditions that are applied to taxi and PHV drivers and the local conditions of vehicle fitness are for each local licensing authority to decide, so can vary from area to area.

In 2012, the Law Commission consulted on a number of proposed legislative changes, identifying ten recommendations with only two of subsequently included within the Government's Deregulation Act 2015.

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<sup>1</sup> . (Butcher L, *Taxi and private hire vehicle licensing in England & Wales* House of Commons Briefing Paper, August 2016) For further reading: <http://researchbriefings.files.parliament.uk/documents/SN02005/SN02005.pdf>

In October 2015, these two provisions came into force:

- establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy.
- removed the current prohibition on a private hire operator licensed in one district subcontracting a booking to an operator licensed by another district.

#### West Yorkshire concerns:

Concerns have been raised over a number of years of private hire vehicles operating throughout the County, these concerns preceded the 2015 Deregulation Act. As each Licensing Authority sets its own conditions on licensing there was concern that standards may not reach those required by the five West Yorkshire authorities.

Safeguarding concerns have also been raised, due in part to the Report on Inspection of Rotherham Metropolitan Borough Council by Louise Casey CB published in February 2015 which included findings which linked taxis (in the broader definition) to activities involved in child sexual exploitation.

#### Response from the West Yorkshire Police and Crime Commissioner

##### National activity:

- The PCC published his concerns regarding deregulation back in 2013 with a letter in *The Times* encouraging the Government to reconsider proposed deregulation legislation
- The PCC further raised the issue of deregulation nationally in 2015 writing to other PCCs and calling for a national database of taxi drivers. The request for a national database was also taken forward nationally by the PCC for Northumbria, Vera Baird. In the response from Andrew Jones, Under Secretary for Transport to Vera Baird, he said the government will certainly consider this when future taxi and private hire licensing policy is developed. He did state that this would need to be analysed as part of policy development and the analysis of potential costs and benefits of the data base (both financial and non-financial)
- The PCC raised the specific issue of Rossendale Council's policy for issuing taxi licences with West Yorkshire leaders and in liaison with the PCC for Lancashire has now brought about tighter conditions, resulting in far fewer licences being issued.

##### West Yorkshire activity:

- The PCC has supported local enforcement initiatives in Bradford, Leeds and Halifax, joining Police, Street Angels and Council Enforcement Teams during night time operations.
- The PCC attended a meeting along with the Chair of the Police and Crime Panel, Cllr Alison Lowe, with West Yorkshire Police, Leeds Licensing Authority, Leeds Council members and members of the Leeds Taxi Drivers Association. The meeting looked at ways of tightening, where legislation allows, the standards and conditions required for the issue and renewal of a taxi/PHV licenses and ways of improving the liaison between police, licensing authorities and the taxi/PHV trade.
- The PCC has been reassured that there is a general desire to ensure safeguarding, each Council stipulates both DBS checks for its drivers and a safeguarding input for existing and new applicants.
  - Bradford require driver to pass enhanced DBS checks and driver must complete safeguarding and child sexual exploitation training
  - Calderdale require driver to pass enhanced DBS checks and driver must complete professional standards training

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- Kirklees require driver to pass enhanced DBS checks and the driver must complete safeguarding and child sexual exploitation training
  - Leeds require driver to pass enhanced DBS checks and driver must undertake safeguarding training
  - Wakefield require driver to pass enhanced DBS checks and drivers must attend safeguarding training
- All local authorities within West Yorkshire now have “shared powers” to examine other authority taxis/PHVs within their area, providing a consistent approach across West Yorkshire.

#### Next Steps

- PCC to work West Yorkshire Police and local partners to monitor the shared enforcement powers
- PCC to monitor West Yorkshire Police arrangements to improve officer awareness of taxi licensing legislation that currently forms part of the night time economy operation in Leeds
- PCC is attending Operation Capital, a night of enforcement activity between West Yorkshire Police and Leeds District Licensing Authority
- PCC to continue through the Association of PCCs, to continue to press for a national database for taxi drivers
- The PCC will scrutinise any guidance the Secretary of State may issue to public authorities as to how their licensing functions, under taxi and private hire vehicle legislation may be exercised to ensure it protects children, and vulnerable individuals who are 18 or over, from harm.