

TAXI AND PRIVATE HIRE LICENSING POLICY

Policy No: TPH 37
Edition No: Final Rev: 1

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Date: 6 March 2007

DRIVERS PLYING FOR HIRE

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Authorised by Licensing & Regulatory Panel

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1. Background Information

In England (outside London), Hackney Carriage and Private Hire licences are issued by local Councils to control the safe operation of Hackney Carriage and Private Hire vehicles being used for hire or reward. Hackney Carriages can be flagged down on the street or at ranks and Private Hire vehicles must be pre-booked and dispatched by the licensed Operator.

In Leeds, licensing and enforcement matters are dealt with by the Taxi and Private Hire Licensing Section.

Each licence has a set of Conditions, which the licence holder must comply with. Copies of these Conditions are contained within new application packs, are given out with every licence issued, are available on the Leeds City Council website and are readily available upon request at the Taxi and Private Hire Licensing Reception.

Licences are issued for a period of one year.

The success of Leeds as a city leads to social and business activity making a significant demand upon transport services. When other forms of public transport have ceased for the day, the Taxi and Private Hire trade continue to service that public demand.

2. The Private Hire Sector and Plying for Hire

The increase in the Private Hire sector is matched by an increase in complaints from communities and Ward Councillors, especially surrounding plying for hire activities which disrupts the private lives of residents.

Officers have increasingly been unable to deter Private Hire drivers from plying for hire and on many occasions have had to abandon enforcement activity in terms of 'detecting offenders' to virtually moving 'offenders' on to reduce offending and road blockages.

The demand for Private Hire is evident and the capability to meet that demand would also appear to be relatively high within the licensed fleet.

The key dangers to the public regarding licensed drivers plying for hire are:

- When plying for hire the insurance becomes invalid
- Drivers/ vehicles plying for hire are not booked through their Operator, significantly reducing the chances of detecting offenders in the event of inappropriate behaviour or the commission of a crime
- In the midst of licensed vehicles, those that are unlicensed or suspended are far more likely to escape enforcement action
- The charging regime of Operators is wholly undermined and there is evidence of Private Hire drivers demanding unreasonable amounts of money for relatively short journeys
- The Licensing Policy of the Council in how it deals effectively with these Private Hire drivers is the subject of media review
- The Hackney Carriage trade are often unable to ply their lawful trade because of ranks being filled by Private Hire vehicles and City Centre roads being blocked

The Local Government (Miscellaneous) Provisions Act, 1976 describes circumstances where a district Council can refuse to grant, renew, suspend or revoke a Private Hire driver licence. In particular the Council may consider whether the licence holder or applicant is a 'fit and proper' person to hold such a licence. There is a range of circumstances that may fall within this description and the Council has a clear policy and criteria on who is suitable to hold a Private Hire drivers licence in terms of criminal and motoring convictions. It is felt that drivers who illegally ply for hire, with all the consequential effects, and who are prepared to transport the public without insurance may reasonably be so described.

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3. The Plying for Hire Policy

The Plying for Hire policy aims to clearly set out the consequences to licensed drivers, in terms of suspension or revocation of their Private Hire drivers licence, where plying for hire offences are revealed. The policy also enables Officers to progress the decision process more quickly and also make the decision more defensible in Court, where appropriate.

- Where a licensed driver is found to be plying for hire, with evidence which supports a criminal prosecution, or Home Office Caution, that the driver will normally be suspended and immediate consideration given to the revocation of the licence.
- Where a drivers licence has been successfully revoked or not renewed, that driver will, normally, not be granted a further licence by this Council for one year.
- Where there is an existing conviction or formal Home Office Caution for this type of offence, wherever it occurred, when an application for a new licence is received, the applicant will normally not be granted a licence for a year following the date of conviction or caution.
- In the event of a second such incident, the driver or applicant would not normally have a licence granted for three years following the date of conviction or caution.
- In every instance however, each case would be considered on its own merits

The affected driver, or applicant, has a right of appeal, within the Act, direct to the Magistrates Court. There is also the opportunity to judicially review such a policy.