

Taxi Compliance Strategy

2024 – 2026

Draft for Consultation

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Overview

This document is to be reviewed every three years and outlines the strategy for addressing identified issues within the taxi (hackney carriage and private hire) trade and how success will be measured.

Aim

The primary and overriding objective of the Compliance Service is to protect the public from both licensed and unlicensed people working in the trade.

Licensing the hackney carriage and private hire vehicle trade protects the public through preventing people who are not 'fit and proper' from obtaining licences.

Compliance upholds public safety by undertaking operations and investigations to ensure that licensees are compliant with their licence conditions and the legislation, as well as action against those that are unlicensed but working in the trade illegally.

In a worst-case scenario, licences could be used by organised crime to traffic drugs, sex and weapons. No matter the regime, risks such as violence, sexual offences and road traffic collisions can never be completely removed. It is the licensing authority's responsibility to take all reasonable measures to mitigate these risks.

Principles

Enforcement should be carried out fairly and in a way that avoids an unreasonable regulatory burden. The Council has adopted the principles of good enforcement and processes in accordance with the [Black Country Local Authorities Enforcement Policy](#) and the [Regulators' Code](#). The principles of enforcement are:

- Proportionate – the Regulators' Code promotes proportionate regulatory activity, which includes taking appropriate action where non-compliance is identified. The Public Interest Stage contained in the Code for Crown Prosecutors and can be accessed at: http://www.cps.gov.uk/publications/code_for_crown_prosecutors/ will always be considered when determining whether it is right to prosecute. Our activities will reflect the impact of the offending on those living in, working in and visiting the area and enforcement action taken will relate to the seriousness of the offence.
- Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in a consistent manner.
- Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities and intelligence.

It is important that the Council's powers are used to ensure that the conduct of licence holders is monitored and, where their conduct falls short of what is expected, appropriate action is taken in a fair and proportionate manner to protect the public.

The Council has a dedicated Compliance Service whose job it is investigate complaints and to ensure that operators, drivers and vehicles maintain the high standards and expectations set by the law and their licence conditions.

These standards are defined by legislation, licence conditions, codes of practice or adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken by the Council.

Objectives

The primary objective of the service is public safety. This includes the safety of those working in the trade. To achieve this, the secondary objectives of the service are to:

1. Enforce wherever its licensed trade work and against unlicensed people in Wolverhampton.
2. Prevent discrimination against the public and trade.
3. Protect the right of the Hackney Carriage trade to stand and ply for hire.
4. Ensure accountability and transparency, to improve the reputation of the licensing authority.
5. Inform the trade, public and partner authorities about safe transport in the

industry.

1. Enforce wherever its licensed trade work and against unlicensed people in Wolverhampton.

Compliance Teams

The Council issues licences across the country and it is important that compliance activities take place in all areas. Wherever Wolverhampton licensees are working, the Compliance Service will closely work with police and other licensing authorities to ensure that all licensees adhere to the law and the high standards expected of them. There are compliance officers currently located in different parts of the country, with workspaces in Greater Manchester, East Midlands and Wolverhampton.

- The service will always work with other licensing authorities and attend joint operations wherever its licensees are, provided that sufficient notice is given
- The Council will, where practicable, invite or notify other authorities in advance when undertaking enforcement work in their area.

Resourcing of the Compliance Service

The Compliance Service will be resourcing with consideration to the number of licence holders and the number of complaints.

To ensure resilience of the service and capacity to handle a surge in complaints, the service will utilise agency officers until the demand for resource is sustained for at least six months, when permanent positions will then be recruited.

Joint Authorisation of Compliance Officers

As recommended by the Department for Transport's '[Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England](#)', the Council is exploring the joint authorisation of compliance officers with other licensing authorities, where they can take enforcement action against each other's licensees.

This will be successful if a pilot scheme to test joint authorisation has been completed by the end of 2024.

The service will lobby government to authorise all authorised compliance officers to undertake enforcement against licensees, regardless of licensing authority. This will require a legislative change and might be part of wider reforms to the industry.

This will be successful if legislation has been enacted by 2026.

Police Powers to Stop Traffic

The service will seek to obtain accreditation under the [Community Safety Accreditation Scheme \(CSAS\)](#) from chief constables, allowing compliance officers to stop licensed vehicles whilst driving.

In the meantime, the service will seek to recruit a dedicated police officer, with a vehicle, to undertake enforcement work across the West Midlands and who will be able to use their powers to stop licensed vehicles.

This will be successful if an officer is in position by the end of 2024.

Nighttime Economy and Public Events

The Hackney Carriage and Private Hire industry are integral to the national transport infrastructure. This is particularly so for the nighttime and events economy.

The service will provide marshals to help the public use the trade in these circumstances.

School Prom Transport

This is generally a seasonal issue, from approximately May to June each year. Compliance operations will take place each year to target unlicensed operators and drivers of vehicles with eight passenger seats or fewer. Vehicles with more passenger seats are not within the remit of local authority licensing.

Test purchases will be undertaken to identify unlicensed traders in advance of prom season.

The school will be informed and the vehicles will be pursued after the children have finished their journey, to minimise disruption to their evening.

This will be successful if an annual report on the operation is submitted to the Regulatory Committee.

Operation Hunter: Proactive Patrols

The service works closely with police and licensing officers from other authorities to conduct patrols wherever the trade may be. This includes high visibility compliance patrols in marked police vehicles, stopping and checking Wolverhampton licensed vehicles and drivers in Wolverhampton and across England and Wales, as well as plain-clothed patrols.

This will be successful if the number of these patrols is reported to the Regulatory Committee at each meeting.

Operation Wolf: Super Multi-Agency Operations

Compliance Officers conduct monthly multi-agency operations in Wolverhampton and other areas. These operations involve other agencies such as police, DVSA (Driver and Vehicle Standards Agency), Home Office, HMRC (HM Revenue & Customs) officers as well as officers from other local authority areas.

These large-scale operations involve checking large numbers of licensed vehicles to ensure that they are road worthy, legal and that the drivers are complying with licence conditions.

Private Hire Vehicle Operator Audits

Every Private Hire Vehicle Operator will be inspected within six months of the grant of their licence and operators will be audited once per year. This will check that they are compliant with their licence conditions. The service will recruit sufficient officers to undertake this work.

This will be successful if summaries of operator audits are reported to the Regulatory Committee each year and all audits have taken place.

Safeguarding

The service has the first dedicated Taxi Safeguarding Officer in the country. This officer will continue to input into training, to ensure that licensees can be the eyes and ears, identifying signs of exploitation on the streets.

The service will undertake test purchases, with undercover officers and volunteers, of both licensed vehicles and overnight accommodation. Where these parties fail to raise concerns of exploitation, targeted training will be provided.

Where a serious and credible safeguarding concern is made to the licensing authority against a licensee, the service will investigate the matter sufficiently within one working day to determine whether an urgent review of the licence is required. If this is the case, the licensee will be asked to voluntarily surrender their licence and/or private hire vehicle operators will be notified of the matter and asked not to allocate bookings to them.

This will be successful if the percentage of these matters which were decided on within one working day is reported to the Regulatory Committee at each meeting.

Vehicle Safety

The service will invest in the latest technology to ensuring the safety of licensed vehicles.

Each compliance team will have a laser tyre tread reader, to check that licensed vehicles' tyre tread meets the legal minimum of 1.6mm.

Each compliance team will have an infra-red camera to detect any use of infra-red blocking number plates, which could be used to avoid speed, bus lane and congestion cameras.

New officers within the service will attend the City & Guilds Assured Basic Vehicle Inspection course within their first year, so they can inspect vehicles in a qualified manner.

This will be successful if the number of suspension notices issued to vehicles, as well as the number of infra-red blocking number plates and vehicles with illegal tyre tread, is reported to the Regulatory Committee at each meeting.

2. Prevent discrimination against the public and trade.

The Council has a legal duty to consider equality in all its work. The service is particularly concerned that whilst people with disabilities across the country are more likely to use licensed vehicles, many face direct and indirect discrimination by those working in the trade.

Operation Flag: Protected Characteristic Mystery Shoppers

To ensure that drivers comply their legal obligations under the Equalities Act 2010, such as their obligation to carry assistance dogs and the Taxi and Private Hire Vehicles (Disabled persons) Act 2022, compliance officers and volunteers regularly conduct test purchase operations.

These test purchases utilise an individual with a protected characteristic to complete a journey and feedback on any discriminatory behaviours. Where this has taken place, the incident will be reported and investigated.

Protected characteristics are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Collectively, this information is known as 'equalities data'. All characteristics, except marriage or civil partnership, will be tested.

It will inform a body of evidence on the impact of services on people with different protected characteristics and use it to make policy decisions consistent with the public sector equality duty.

This will be successful if the outcome of the operations are reported annually to Regulatory Committee.

If you have a protected characteristic, particularly those with assistance dogs or wheelchairs, and would like to volunteer to help the service with test purchase, please contact us via email at licn_comp@wolverhampton.gov.uk or via telephone at 01902 551155.

Equalities Monitoring

Whilst the capability in the service's systems to record equalities data does not yet exist, the service is working with developers to address this. Once this has been addressed, the service will report on the equalities data of the subjects of compliance

action. It should be noted that individuals cannot be required to provide their equalities data and may refuse to provide this information.

The service will also encourage its own employees to complete reports on their own equalities data, to be reported corporately.

Driver Discrimination

Similarly, members of the trade are subject to discrimination, particularly racism. Department for Transport statistics show that in 2023 In 2023, 50% of drivers are Asian or Asian British.

To tackle racism, a video will be developed highlighting the impact of racist abuse on drivers.

This will be successful if the video is released by June 2025.

3. Protect the right of the Hackney Carriage trade to stand and ply for hire.

Operation Trojan: Illegal Plying for Hire Test Purchases

Plying for hire is where a private hire driver makes themselves available to hire (e.g. by entering a hackney carriage rank) or makes a journey for hire and reward without a booking.

Only hackney carriages and their drivers are licensed to do this and they may only do so in the area where they are licensed. Where a private hire driver undertakes a journey without a booking made through an operator licensed by the same authority, they are illegally plying for hire. These bookings are not insured and council approved taximeters are only available in hackney carriages. Without a taximeter, there is no protection for passengers from overcharging.

It is important to undertake compliance operations to deter and detect this behaviour, to protect the public and the hackney carriage trade.

Undercover officers, sometimes including police officers or officers from another licensing authority, perform test purchases by approaching private hire vehicles and asking the drivers if they will undertake a journey without a booking. If the driver accepts, the incident will be reported and investigated. The Council's guidelines indicate that a private hire driver's licence will normally be revoked for this matter, even on a first occasion. As a result, over the last few years, the number of drivers accepting the offer of undercover officers has reduced.

These operations are regularly conducted across the country.

This will be successful if the outcome of the operations are reported to Regulatory Committee at each meeting.

Hackney Carriage Measured Mile

Each year, normally during National Licensing Week, the service will undertake a measured mile. This means that every hackney carriage will be asked to visit officers, where they will take the officer on a route which is exactly one mile. The officer will check that the taximeter has not been tampered with and that the price displayed is correct. There will be specialist contractors on site to adjust any meters not working correctly.

Where vehicles are unable to be presented for this inspection, they will be required to make separate arrangements directly with the suppliers at their own cost as soon as practicable.

Hackney Rank enforcement

The service has recently finished renewing the traffic regulation order (TRO) for the ranks in the city centre. This means that it is illegal for any vehicle other than a hackney carriage licensed by Wolverhampton to enter the rank. Private hire vehicles may not enter ranks, not even to drop off nor pick up passengers.

The service will monitor this using automatic numberplate recognition (ANPR) cameras. The service will also conduct joint patrols with Parking Enforcement, who may issue fines to the motorists in breach. Where the vehicle in breach is a private hire vehicle, enforcement action will also be taken.

4. Ensure accountability and transparency, to improve the reputation of the licensing authority.

Reporting to the trade

A summary of the compliance work undertaken will be reported to the Hackney Carriage Trade Working Group and the Private Hire Trade Working Group.

Reporting to Committee

Councillor involvement is critical to the function of the service. This strategy will be approved by the Regulatory Committee and will be reviewed every three years.

Many of the objectives are measured as successful through their reporting to the Regulatory Committee.

An annual report to the Regulatory Committee will be provided, summarising the compliance operations of the previous financial year. Analysis of any trends will also be reported to the Committee.

The service will work with Digital & IT Services to develop a bespoke system to record compliance operations and report on. This is expected to be in place by the end of 2024.

Climate Emergency

Transportation is essential for the Compliance Service to undertake its functions effectively. As such, the service has several fleet vehicles. The Council was the first local authority in the Black Country to declare a climate emergency. As a result, it pledged to make all activities carbon neutral by 2028.

This will be successful if the Compliance Service transitions to battery electric vehicles with zero tailpipe emissions by 2028.

5. Inform the trade, public and partner authorities about safe transport in the industry.

It is critical that the activities of the service are publicised, demonstrating the work done and the consequences of non-compliance. Should licensees not be aware that enforcement action is undertaken, this could embolden them to not adhere to the strict high standards expected. It is also important that the public are reassured of the continuous work undertaken by the service to keep them safe, so that they have trust in using licensed vehicles and their drivers.

Press Releases and Social Media

It is important that the Council publicises its regulatory activity.

Some of the compliance operations are given a specific name, which allows the service to be hash tagged on social media for links to other similar work undertaken. The primary social media platform will be X (formerly known as Twitter). Press releases will be published on the Council's website and on its Wolverhampton Today Facebook page.

Quarterly Newsletter

A quarterly newsletter will be emailed to all members of the trade. This will include a message from the Chair of the Regulatory Committee, relevant press releases and safety information for licensees.

This will be successful if a quarterly newsletter is published.

Induction Pack

Whilst all drivers have undertaken training as a requirement of their licence, the service will work with the Licensing Service to develop a document which acts as an informative reference guide for the trade. This will be a live document which is continuously updated.

This will be successful if the first iteration is published by the end of 2024.

Police Training

The service offers free training to any police force on the role of the licensing authority and the conditions of licence. If you would like to request training, please

contact us via email at licn_comp@wolverhampton.gov.uk or via telephone at 01902 551155.

Get Home Safe

The service will relaunch a campaign each autumn publicising the importance of using licensed vehicles as daylight reduces. This will also educate people on the differences between hackney carriages and private hire vehicles.

Fresher's Fayre

The service will attend University of Wolverhampton's Fresher's Fayre to promote the use of Wolverhampton's licensed vehicles to students new to the City. This will also educate people on the differences between hackney carriages and private hire vehicles.

This will be successful if the compliance service is represented at every University of Wolverhampton's Fresher's Fayre.

Unlicensed Prom Vehicles

Unlicensed drivers are relatively rare in the taxi trade, but every year many people book unlicensed chauffeurs to take their children to prom. Many of these unlicensed drivers offer their services through social media such as Facebook Marketplace, or on internet sites such as Craigslist.

Vehicles with 9 or more passenger seats, such as limousines and party buses, are public service vehicles (PSV) licensed by Traffic Commissioners, which is not within the remit of the Council's Compliance Service.

Vehicles with 8 or fewer passenger seats, such as supercars, campervans and vintage cars are private hire vehicles (PHV) licensed by local councils. The driver must hold a Private Hire Driver licence with the same council that the vehicle and operator (company) are licensed with. For more information, please visit the [Council's website](#).

Each year, the Council will engage with local schools to inform parents of the importance in checking that the vehicle they use is safe and legal.

This will be successful if the results of the related compliance operation are reported to the Regulatory Committee each year.

Trade Complaints Policy

Complaints about the hackney carriage and private hire trade should be made to Compliance via:

- Calling 01902 55 TAXI (8294)
- Completing the webform at www.wolverhampton.gov.uk/taxi-complaints

All complaints will be investigated, however where a complainant does not cooperate with Compliance Officers, for example by not providing a signed witness statement, complaints may be recorded as unsubstantiated. Complainants are expected to agree to attend court and give evidence, where a prosecution or appeal against a licence decision is made. All complaints will be recorded on Council systems and where possible linked to the suspected licence holder. Where a licence is reviewed, the complaints history will be included in the report to the decision maker.

A licence may be reviewed as a result of a single serious complaint or as a result of several minor complaints and action taken against the driver will be determined by the licensing authority and could include revocation, suspension, the offer of training or no further action.

The Compliance Service will be separated from the decision-making process of licence applications and reviews. This means that no officer working in the service will grant, refuse, suspend or revoke a licence, except for issuing Section 68 suspension notices when a vehicle is in a dangerous condition.

Where an immediate safeguarding or serious public safety issue is identified, the matter will be investigated within one working day for a decision on an urgent review or alternative safeguarding measures, which could include voluntary surrender of the licence. Should they refuse, an urgent review will be undertaken with the limited information available. One week's notice is legally required for all urgent reviews to ensure that it is a fair hearing where the licensee has sufficient time to arrange legal representation.

Informal action

Informal action may be taken by compliance officers following an investigation. This could include:

An advisory notice – written confirmation of the matter investigated where no formal action is required but a record of the matter is to be retained on file.

Advice/ warning – a written notice where a minor breach of licence conditions has been identified and further breach of which is likely to result in suspension or revocation of the licence.

Simple cautions – in certain situations, it may be appropriate to offer a simple caution instead of deciding to prosecute. Simple cautions may be used to deal with less serious offences quickly. It is unlikely that a caution would be offered in circumstances where the offender has a history of poor behaviour. When a simple caution is offered, the person involved must admit the offence and accept the caution. The same standard of evidence is needed for a simple caution as for a prosecution.

Circumstances where informal action is considered appropriate may include, but is not limited to, the following:

- the breach is not of a serious nature
- there is no significant risk to the health or safety of any person
- there is no previous history of non-compliance
- there is no independent evidence to support the matter under consideration
- the breach was as a result of a genuine mistake or misunderstanding.

Section 68 Local Government (Miscellaneous Provisions) Act 1976 (Suspension Notices)

An authorised officer of the Council or any constable may at any reasonable time inspect and test any hackney carriage or private hire vehicle licensed by the Council or the taximeter affixed to such vehicle for the purpose of ascertaining its fitness. If the authorised officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, the officer may give notice in writing to require the proprietor of the vehicle to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, and suspend the licence until such time as the officer is satisfied that the vehicle or meter is again fit for purpose.

The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given.

If the Authorised Officer or constable who issued the suspension notice is not satisfied as to the fitness of the vehicle or its taximeter before the expiration of a period of two months, the licence will, by virtue of the provisions of section 68, be deemed to have been revoked. Where a licence is deemed to be revoked, the Council will write to the proprietor of the vehicle giving notice of the grounds on which the licence has been revoked within 14 days of the deemed revocation. The proprietor may appeal to the Magistrates' Court.

Formal action

Formal Action is action where the licence is submitted for a review. The review may be undertaken by a sub-committee or an officer with delegated authority. Previous complaints recorded on file may be taken into account in a licence review.

There will always be a council solicitor present to ensure that it is a fair hearing. The matter will be considered in line with the Council's current guidelines, which are available in the 'Downloads' section on the [website](#).

Circumstances where the council may consider such action include but are not limited to the following:

- there has been or is a significant contravention of the legislation.
- there has been or is a significant risk to the health or safety of any person.
- there is a lack of confidence in an informal approach being positively responded to or such an approach has already failed.

- there is a history of non-compliance or offences.

Where the council is considering such steps, the licensee/applicant will be given notice of the course of action being considered and given the opportunity to respond at a formal review.

Suspension

If a licence is suspended, this may be for a set period of time and/or until an action is completed. For example, the licence may be suspended until its expiry, unless the driver provides a new DBS Certificate.

Refuse to Renew

If a licence is refused renewal, the current licence will expire and a new licence would need to be applied for.

Revocation

If a licence is revoked, the current licence is removed and a new licence would need to be applied for.

Add Conditions

In rare circumstances, it might be appropriate for additional conditions to be added to the licence.

Medical Testing

This may be done where there is a concern about the licensee's health. This can include drug and alcohol testing.

Road Risk Assessment

Licensed drivers and applicants may be required to undertake a road risk assessment. This is provided by Worcestershire County Council

Driver Training Programme

Licensees may be required to attend the training programme provided by Worcestershire County Council.

Written Warning

The licensee may receive a written warning, which will be kept on file for future consideration.

Appeals

Where the licence is suspended, revoked or refused renewal, there is a statutory right of appeal to the Black Country Magistrates' Court within 21 days of the decision. These decisions are communicated in writing via email to the licensee.

Suspensions and revocations start 21 days after the decision, unless an appeal is lodged or the decision is made with immediate effect in the interests of public safety.

If the Council considers that the interests of public safety require the suspension or revocation of a driver's licence to have immediate effect and the written notice given

to the driver by the Council includes a statement that this is so and an explanation why. The suspension or revocation takes effect when the notice is given to the driver. The revocation or suspension will then be effective when the notice is given to the driver, regardless of whether an appeal is lodged with the Magistrates' Court.

A driver whose licence has been revoked or refused renewal may apply for a new licence the day after the decision, however they will normally be required to attend another hearing to determine the application.

If a suspension or revocation is appealed (excluding immediate decisions) the licensee may continue to use the licence until the appeal is determined in the Magistrates' Court.

There is a further right of appeal to the Crown Court against the Magistrates' decision, within 21 days.

When appeals against the Council's decisions are dismissed, a request will be made to the court for the full legal costs to be paid for by the appellant.

Prosecution

Circumstances where the Council may consider a prosecution include, but are not limited to, the following:

- there has been or is a significant contravention of the legislation.
- there has been or is a significant risk to the health or safety of any person.
- there is a lack of confidence in an informal approach being positively responded to or such an approach has already failed.
- there is a history of non-compliance or offences.

In cases where prosecution is under consideration, a file containing all the relevant evidence and information will be submitted by the Licensing Service to the Council Solicitors for a decision to be made in accordance with the Code of Crown Prosecutors.

Complaints About the Compliance Service

If you consider that the enforcement action taken does not follow the principles set out in this document, you should raise your concerns with the relevant enforcement officer. If the officer is not able to resolve your problem, your complaint will be passed to a manager.

If you are not happy with the outcome of your complaint you can escalate your concerns using the complaints procedure, details of which can be found [here](#).