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Taxi Licensing Review

July/August 2015

Luton Borough Council

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Final Report

1. Background and Objectives of Review

This review considers Luton Council's taxi licensing service following significant changes in the service, including new policies, a new location for staff and customer service access changes, delegation of powers to officers, and some unhappiness in the private hire trade which resulted in strike action in January 2015.

The Review provides an opportunity to look closely at what the service does now, what the Council needs the service to do, and how it could be changed to address the current issues and provide an exemplar service.

2. Summary of Key Issues

In the main, the Review found many strengths of the service including committed well qualified staff, and operating policies and procedures that are fit for purpose. However, the service does need to address specific issues to enable it to improve and become an exemplar service.

During the Review, staff, Members and representatives from the taxi and private hire trade were consulted and interviewed. Although there were many issues identified during those interviews, there were consistent themes emerging from all interviewees. These have been amalgamated into the 'top five' themes below, and specific issues in each theme have been identified.

These specific issues relate to

- Customer service offer
- Communications and consultation
- Policy and procedure
- Enforcement practice
- Member engagement

3. Key Issues

3.1 Customer Service Offer

Current service delivery

The Licensing service is responsible for 50-60 different licence types and customers for all these licences are dealt with through the Corporate Customer service access point at the Town Hall. Two desks in the customer access area are staffed by licensing team staff. From January 2015, a pilot scheme was introduced which introduced two customer access points for taxi and private hire licensing only at the Town Hall and also at the Kingsway Depot.

The pilot introduced the operation of the Licensing service at the depot to deal with vehicle licence renewals only on 3 days per week, also utilising two MOT testing bays to provide full test and re-test appointments to streamline testing of vehicles, issuing the Certificate of Compliance and then the issue of the new licences. Applicants must make an appointment for their tests and to see an officer at the depot and staff are unable to deal with customers there who do not have an appointment. Two Licensing officers were based at the depot for 3 days per week which means that other licence types are only dealt with at the Town Hall on 2 days per week.

A review of the pilot was undertaken after two months of operation, and this revealed that the take up of the service had been limited despite reminders and notifications to the trade about the facility there. In the 2 month period, 64 (34%) vehicle applications were processed at Kingsway depot over the 3 days per week- the remaining 126 (66%) were processed at the Town Hall over the remaining 2 days per week. This was in addition to 227 other licence types that were processed in the Town Hall in the same period). There was a knock on impact on the service offered at the Town Hall – significant queues ensued and the waiting time to see an officer at the Town Hall increased to a peak of 3.5 hours at the end of January even with the two service desks open. Additional officers were needed to ‘queue bust’ during these peak times which again had a knock on effect on the back office functions of answering telephones, determining and licences, accepting applications etc.

Following the review of the pilot, agreement was reached to allow the demand on the service to determine the operational delivery and since then the customer access at the depot has been reduced to 2 days per week and flexibility in moving resources as required.

EELGA’s Review found that the operation of the service for taxi licensing at two different locations on different days was confusing and inconsistent for drivers. It was also resource intensive for staff and had some risk assessment and remote working issues.

The service still has the majority of applications being provided in person. During the 2 month pilot period 417 applications for all licence types were received – only 94 applications (22.5%) were not processed at a public counter and were dealt with either by phone, email or post.

A further issue which was prominent in the discussions with both staff and drivers was the trend for licences to expire at the end of the month and therefore the demand on the service peaking at the ends of the month. Staff send out reminders by way of letter and an application form 2-3 months in advance of expiry to remind drivers; text messages are sent on 15th and again on the 22nd of the month of expiry to remind drivers to book their inspection at the depot, followed by phone calls if necessary. This practice has not led to a significant change in the trend for drivers to re-apply at a late stage and jeopardise their licence being issued in time before their existing one expires.

Improved service (target outcome)

Drivers and staff will benefit from a ‘one stop shop’ for the taxi licensing system – whether this is at the depot or the Town Hall.

From December 2014 the policy was changed so that the licence expiry date is the same date as the Certificate of Compliance date expiry so it is even more crucial for timely renewals of both. This should start to lead to less demand at the ends of the month in future. At the end of 2015 the service will move to issuing 3 yearly drivers badges (from current annual renewal) which should also help with the bottlenecks at the end of the month providing these changes are adequately

communicated to drivers and they gain an understanding of the reasons for the changes and the impact continued demand at the end of the month will have on the service provided.

The development of a web based applications process is in progress and will lead to a greatly reduced and improved process for customers once implemented. An innovative approach of also having the completed taxi licence plates potentially being delivered directly to customers own addresses is being considered as part of this process, which will provide an exemplary service if implemented. This should be completed by the end of 2015. During the Review, drivers and staff all welcomed the potential implementation of the on-line system which for staff will streamline the process, and for drivers will reduce the need to queue at the Town Hall or the depot, although they acknowledge they will still need to attend the depot for their Certificate of Compliance inspection.

Recommendations to improve customer service offer:

- 1. Introduce on line application process for taxi licences as soon as possible. Consider use of courier service to deliver taxi plates directly to drivers which will lead to an innovative exemplary service and will resolve several of the issues over location of the access points for taxi and private hire licence customers and staff.**
- 2. When implemented, deliver some 'tutorial' classes for drivers so they are able to have practical tuition in applying on line.**
- 3. Cease the issuing of licences at the depot as it is not cost/service effective.**
- 4. Introduce an appointment system for one of the counter desks for issuing of all licences which would leave the second desk for dealing with queries and issues which can be dealt with quickly.**
- 5. Improve communication on the need to apply for a new licence before the expiry of the existing one, especially when it is at the end of the month**
- 6. Implement a targeted campaign through the Private Hire Drivers Union, Hackney Carriage Drivers Association, (or consider an incentive scheme) to applying early for a renewal of licence and introduce phased expiry dates.**
- 7. Review when licences fall due and implement a policy to even workflow through the month.**

3.2 Communications and Consultation

The Review heard views from the Private Hire Drivers Union, the Hackney Carriage Association, and a Private Hire Operator. All 3 factions had different issues but there were some common themes around communication and consultation that emerged.

Current communication channels

The Private Hire Drivers Union was started around 2008 and has about 700 members. It was set up by the drivers to co-ordinate with the Council and the drivers and to seek advice. Currently the Union calls for a meeting with the Council although acknowledges in the past the Council has set up meetings/forums. In the main the Union representatives have met with the previous Portfolio Holder and the Service Manager, but lately have also met with the Chief Executive Officer and the Leader of the Council because of their unhappiness with the service. The Union has a website and a dedicated phone number and communicates with its members through the website and through social media.

The Hackney Carriage Association (HCA) represents the 167 HC drivers within Luton. They feel they are the 'professional' taxi trade and are very supportive towards any policy/standard that is for public safety and safety of drivers. The Review found a very positive attitude from the HCA towards staff and Councillors and a general happiness with the service.

It was clear from the discussions that took place that the two groups (the Union and the HCA) have a number of grievances either with each other or the council that have not been addressed and resolved. In order to make progress all three parties need to agree to meet and discuss their concerns either bi-laterally or together.

The Licensing service used to convene a 'forum' on occasions but this no longer takes place and the Private Hire Union and Hackney Carriage Association tend to meet with officers and Councillors on an ad hoc basis, separately when required by the trade, rather than at the bequest of the Council.

Written communications are generally undertaken through publishing 'Licensing News' on the website, formal consultations on new policies when required are via written documents.

The Review heard about differing perceptions of staff attitudes towards them from the PH trade, the HC trade and some Councillors. Some felt the staff were 'confrontational' rather than supportive; there was a feeling that all staff were not consistent in their advice which has led to a lack of trust from drivers and Councillors; there is some feeling that staff 'look down' on drivers and could perhaps explain issues in a more sympathetic and explicit manner; there is a perception from staff that many of the drivers are antagonistic towards them and that some cultural differences have led to a lack of rapport. There is also a feeling that drivers need to take more responsibility for their licences than they appear to at present. There is a clear need therefore to rebuild the relationships between staff, Councillors and the trade and recommendations below should address this.

Improved service (target outcome)

Councils should have established effective methods of communicating with drivers and operators of taxis and private hire vehicles and should have ways of seeking representative views from the trade. They should consider different methods of communication including face to face, newsletters, websites, social media, emails, texts, and continually seek to increase professional standards with the taxi and private hire trade.

It is good practice for local authorities to consult about any significant proposed changes in licensing rules/policies/procedures and to ensure there is a good feedback mechanism available for all drivers and operators to participate in that consultation. The consultation should be all inclusive, and include not only taxi and private hire trades but also groups likely to use the service e.g. disabled customers; Chambers of Commerce; organisations with a wider transport interest; women's groups and local traders.

Good communication should lead to a good relationship between staff, councillors and the trade. In Luton, the majority of taxi and private hire drivers are of Asian ethnicity and all stakeholders need to be aware of each other's cultures and treat everyone equally. There appears to be a perception from all three (staff, councillors and the trade) that this is not the case and this has led to a break down in trust and a deterioration of some of the relationships.

Meaningful consultation with all parties is essential for an exemplar service. Consultation with both private hire union and hackney carriage association prior to any paper being presented to the Admin and Licensing Committee that will affect the trade would be good practice. Also good practice is to ensure there is a feedback loop to advise those consulted of the results of the discussions and decisions made, alternatively representatives of the trade should be invited to attend all meetings that affect their trade.

Recommendations to improve communication and consultation:

1. Establish as a matter of urgency a Taxi and Private Hire Forum that is formalised and recognised as the forum for communicating and consulting with the Trade. The Forum should be serviced by the Licensing Team and include staff and Councillors at each meeting, and representatives from both the Private Hire Trade and the Hackney Carriage Trade. These representatives can be either representatives chosen by each trade, or the meetings could be open to all who wish to attend. They should be formalised where notes are taken and distributed and publicised and where all parties are responsible and accountable for carrying out actions decided at the meetings, and progress reported back at subsequent forums. **Some examples of good practice in Taxi and Private Hire Forums: Winchester City Council – meet with elected representatives of the trade twice yearly. Points discussed are on their website, and they also have an audio recording of the information and photographs of the trade representatives on the Forum.**
Cornwall Council – Schedule dates into the future and publicise them on their website with times/locations which are rotated in different locations across the area. All drivers are encouraged to attend.
Ashford Borough Council – meet twice yearly. All minutes of the forum are on the website along with an outstanding action list/action list from current forum with ownership given to officers/councillors/drivers. Representatives of the trade meet with officers and councillors and can input to the agendas.
2. Consultation with the Trade should be undertaken on any major issues being discussed at the Admin and Licensing Committee that affects the Trade. This could be done through the Private Hire Union and the Hackney Carriage Association who both have access to the majority of the drivers in the Borough. Responsibility and accountability should be given to the Union and Association representatives to undertake consultation with their members and report back in a timely way to enable meaningful consideration of their comments at the meeting
3. Consider a ‘role swap’ exercise with the trade e.g. A Member of the HC trade volunteered to spend a week working in the Licensing team – consideration of a member of staff perhaps shadowing a taxi driver/private hire driver for a week so an understanding of each other’s roles can be established, and suggestions for improvement could be forthcoming. (This will need data protection issues to be explored/resolved prior to implementation)
4. ‘Customer Service’ training for staff should be delivered rather than traditional cultural/equalities training.
5. As a result of better communication and consultation the Licensing service will be given a higher profile and this should also be included as a part of the review of communications currently being undertaken by EELGA.
6. Regular communications with the trade should also be set up via a newsletter

(existing information already given on website, but could be enhanced by giving information to PH Union and HC Association to disseminate to their members) and also the use of the Facebook page which should incorporate 'responsibilities of the trade' and also some 'myth busting' information.

3.3 Policy and Procedures

Current service delivery

There have been a number of service reviews and simplification and improvement of vehicle and driver licensing policies and procedures already undertaken in a phased approach since 2008 to December 2012. This has led to the current processes and procedures being in the main very good and fit for purpose. These changes include:

- New knowledge test for drivers introduced from 2010
- New medical regulations and national standards adopted in 2010
- Convictions Policy amended in December 2012
- A new Enforcement Policy developed and approved in December 2012
- December 2012 - Amendments to Vehicle Licensing Procedures, Testing and conditions
- April 2013 – introduction of Officer Delegated Powers
- April 2015 – review of delegated powers

Improved service (target outcome)

Whilst there has been much progress and review of procedures and policies and in the main they are all fit for purpose, the Review found there was no overall single robust policy document for Taxi and Private Hire Licensing that incorporates all the changes above. There is a raft of information available for applicants for taxi and private hire licences, however this would benefit from being simplified and consolidated into one policy document and one information pack/handbook for both new applicants and also those who have already had a licence and are renewing theirs.

There is no statutory requirement to create a single licensing statement or policy for taxi and private hire licensing in the way that there is for the Licensing Act 2003 and Gambling Act 2005 – however, it is strongly encouraged and it is recognised as good practice that licensing authorities should create a unified policy that brings together all their procedures in one place; this should include policies on convictions, enforcement, determining the 'fit and proper' person test, licence conditions and vehicle standards

A new handbook should also be developed that clearly spells out the responsibilities of drivers/operators, especially with regard to timely new applications and renewal applications and appointments for MOT/Certificate of Compliance. It could also include details on safeguarding.

The procedure regarding obtaining a Certificate of Compliance should be made simpler and clearer also, especially regarding the MOT certificate. Currently the drivers have to make an appointment at the Kingsway depot for their certificate of compliance, and there is no other garage accredited to issue these.

Many local authorities have several garages that drivers can use for this, but Luton has chosen to only have their own depot accredited to be able to undertake these inspections in line with many other local authorities. The reasons for this should be explained to drivers as there is a clear unhappiness from some drivers that this is the case. The Certificate of Compliance is not the same as an MOT certificate and does not register the driver on the VOSA database. The Council is piloting from 1st August a service whereby an MOT certificate can be offered as well as the Certificate of Compliance for a charge of £9.50. There is also a 'declaration of exemption from MOT testing' which drivers can complete and take to the Post Office when they apply for their tax which is free which could be considered.

Recommendations for improvements to policy and procedures:

- 1. A review of all policy documents is undertaken with a view to simplifying them into one robust consolidated policy document that can then be translated into a comprehensive handbook for drivers/operators. The process of undertaking this will involve communication/consultation with the trade and councillors and develop the relationships further; will raise the profile of the service; will ensure consideration is given to customer access issues; Cambridge City Council 's handbook and policy are very clear and comprehensive. There is a 'Taxi Guide' for drivers and operators, and also a 'Hackney Carriage and Private Hire Licensing Policy' available on their website**
- 2. Consideration should be given to offering drivers the 'declaration of exemption from MOT testing' at the point of issuing the Certificate of Compliance. Blackpool Council point their applicants to this document on their website – it can be also obtained from www.gov.uk/government**

3.4 Enforcement Practice

Current service delivery/issues

Currently there are 4 members of the Licensing team who have enforcement/compliance responsibilities, although one of these is on secondment to another department and two officers are based from home for three days a week and only have a presence in the office for two days a week. The total enforcement resource is therefore 2 FTE's. Furthermore, one of the Enforcement Officers will be helping to cover maternity leave for a Senior Licensing Officer based in the office.

A new Enforcement Policy was developed and approved in December 2012 and the Convictions Policy was amended to provide increased transparency in December 2012. Delegated Powers now enable any enforcement issues to be dealt with quickly by officers without the need for setting up of Licensing Panels.

Enforcement Officers cover all Licence types (between 50 and 60 different types), not just taxi and private hire licensing and therefore have a wide remit.

In 2013 a serious incident took place involving an enforcement officer while he was undertaking licensing duties. This incident has had an impact on the morale of enforcement staff and increased sickness levels in the small team.

Enforcement officers often undertake their duties out of hours and often have to 'double up' for safety reasons.

The Review found that the issue of enforcement is a contentious one and there are differing perceptions from the trade and Councillors on enforcement policies. On the one hand, there is a perception that enforcement is 'over-zealous' and there is a zero-tolerance approach, similar to police enforcement against crimes, and that perhaps a more pragmatic approach could be taken in some minor infringements. Others feel there is a lack of enforcement against some critical issues e.g. plying for trade by private hire drivers who park in taxi ranks. Concern was raised that licences are revoked for unsubstantiated complaints – they don't feel the driver has a right of reply if a complaint is received from a vexatious customer, and they are concerned licences are suspended on 'one side of the story'. They are concerned that if they make a complaint to the service they may be 'targeted' and therefore are afraid to raise legitimate issues with the service.

Improved service (target outcome)

A well-directed enforcement service by the Local Authority benefits the public and also the responsible people in the private hire and hackney carriage trades. One perspective is that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. The resources utilised for enforcement of taxi licensing should reflect local circumstances, and should be sufficient to be able to deal with the issues in each area. Local authorities should liaise closely with the police and other agencies and multi-agency enforcement exercises are very beneficial.

Enforcement of the taxi trade should include enforcement activities during the late-night period, when problems such as touting (illegal plying for trade) most often take place. Enforcement should be focussed on the safety of the public and ensuring the trade adheres to the highest professional standards. This means additional risk assessments and often doubling up of resources or multi-agency approaches with partners.

A good taxi licensing enforcement service should employ reasonableness and balance in their activities, providing a more pragmatic approach to enforcement. Largely this is the case, but there have been a number of specific incidences in particular areas where it is perceived, at least by the trade, that this has not been so. As outlined in Appendix 3, Bradford City Council undertook an 'education programme' for their enforcement officers to help build bridges between their enforcement officers and the trade following similar issues. Enforcement Officers work within the strategic framework set by Councillors who have a corresponding obligation to address policy issues on timely and pragmatic basis as they arise, but also be responsive to feedback from the trade in this regard. Private hire and hackney carriage drivers in turn have to respect the role of the Enforcement Officers, but should bring such policy issues to the attention of officers and Councillors through an agreed communication channel ie. the forum.

Some local licensing authorities employ 'taxi marshals' in busy city centres usually late at night and have been very successful.

Enforcement should also include carrying out 'spot checks' which can lead to revoking or suspending a licence. Immediate suspension of a licence should only be considered for safety reasons and where the risk justifies this approach.

The Enforcement Policy should be clear and transparent and drivers and operators should have confidence that it is fair to all. Publishing details of enforcement activity (anonymously) would help with this contentious issue e.g. numbers of and reasons for suspensions/revocations may help 'myth bust' some of the perceptions that exist.

From a strategic perspective, Councillors need to consider the town centre parking issues which may cause problems for taxis and private hire vehicles in being able to park to drop off passengers and the enforcement policy should take this into consideration. Eg. An example may be to implement specific put-down areas in key central locations for disabled customers.

Recommendations for enhancing and improving enforcement:

- 1. Introduce a targeted enforcement schedule and resource adequately so as to be seen to be making a difference e.g. visible weekend enforcement of illegal plying for trade jointly with police. **Watford Borough Council have a 'taxi marshal scheme' whereby two marshals work 3 evenings a week marshalling passengers at various locations and also radioing a 3rd marshal at another taxi rank for back up when more taxis are needed. Funding has come from licensed premises rather than the taxi trade and also from grants from Herts County Council and some Community Safety partnerships. A similar scheme could be considered and developed that would also target illegal plying for trade.****
- 2. Implement an 'education programme' in support of enforcement officers to specifically help to re-build relationships between officers and drivers (which are often difficult given the nature of the enforcement). **Bradford City Council implemented a similar programme (see Appendix 3)****
- 3. Publish enforcement activity (i.e. Numbers of verbal warnings, written warnings, suspensions and revocations, licence reviews undertaken and cautions and prosecutions) to both Members and the trade will aid with transparency and give confidence that the enforcement policy is fair. This should be published regularly e.g. Quarterly or six monthly through communications with the trade and reports to the Admin and Licensing Committee or through a Members Bulletin.**

3.5 Member Engagement

Current model

The role of Councillors in the licensing process has changed recently from one of direct involvement through a Licensing Panel, to one of Delegated powers to officers. The Licensing Panel now only sits when a decision by an officer potentially departs from the existing policies. The delegated powers to officers has led to a much quicker decision making process, and safeguards are in place so that several officers have the power to make the decisions. However, there does not appear to be any mechanism for formal feedback to Councillors on how the delegated powers are being used in practice and this has led to some feelings of 'mistrust' in the actions officers are taking.

Appeals against decisions are now heard by the Magistrates Court which has led to a reduction in the number of appeals. There have been instances where Councillors have been approached to represent drivers at the Magistrates Court and there needs to be clarity on whether this constitutes a conflict of interest and what role Councillors should play in the licensing process, and what their parameters and boundaries of power are.

There is no longer a Portfolio Holder directly responsible for the Licensing service following advice regarding the Local Authorities (Functions and Responsibilities) Regulations 2000.

Improved model (target outcome)

With any delegation of power, Councillors should be given additional information on a regular basis on the decisions being made by officers so they can monitor the decisions made and are comfortable that the delegated powers are being implemented consistently, trust the officers' decisions and meet the desired outcomes.

It would also be helpful for Councillors to be equipped with sufficient information and awareness to be able to advise/challenge their constituents who are drivers before they complain to officers.

No Councillor should sit on a committee or sub-committee for licensing without having been formally trained. As a minimum, training should cover licensing procedures, natural justice, understanding the risks of child sexual exploitation and disability awareness as well as any additional issues deemed locally appropriate. It is important that training does not simply relate to procedures, but also covers the making of difficult and potentially controversial decisions, and the use of case study material can be helpful to illustrate this. All training should be formally recorded by the Council. Training should be both in-house training but also from independent training providers and professional bodies.

Councillors should be clear about the issue of 'interested parties' when it comes to licensing as it is crucial for the licensing authority and its committee to ensure there is neither actual nor an appearance of bias in its decision making.

Recommendations to ensure Councillors have clarity on their role and responsibilities and awareness of conflicts of interest:

- 1. Introduce guidance to provide clarity for Councillors on their role and boundaries and potential conflicts of interest with regard to all Licensing processes, but in particular taxi licensing. Appendix 4 outlines advice on avoiding the appearance of bias in licensing matters from advice in the LGA Members Handbook on Licensing. There should also be awareness training on the wider strategic role that Licensing plays in the Council's business and their role in public protection as opposed to supporting businesses.**
- 2. Regular (quarterly or 6 monthly) monitoring reports on decisions made should be given to Councillors on the Admin and Licensing Committee and also be available through a Councillors Bulletin for all Councillors to see. This will help them to regain their trust in officers' decisions, and also aid them in advising their constituents about their perceptions of unfair enforcement and decisions made. These should also be available to drivers through the new Forums and/or newsletters.**
- 3. There should be mandatory training for Councillors who sit on the Licensing or any Regulatory Panels especially in relation to protection of the public issues (e.g. Child Sexual Exploitation issues) but also their potential conflict of interest in the regulatory services. This should be delivered by an independent external person. National Association of Enforcement and Licensing Officers (NALEO) and Institute of Licensing (IoL) are recommended.**

4. Other observations

4.1. Cross Border issues

Luton are not alone in experiencing cross border inconsistencies. It is a national issue that many councils are grappling with. The issue affects both the Private Hire trade and the Hackney Carriage trade although each have differing perceptions of the issue. In the main, Luton have agreed standards that are higher than neighbouring authorities, which is welcomed by the Hackney Carriage trade but appears to cause problems for the Private Hire trade.

The main impact is that drivers who have had their licences revoked/refused in Luton are possibly able to be issued with a licence in neighbouring Dunstable/Central Bedfordshire. Also, drivers in neighbouring areas have been able to use tinted windows in their vehicles and can come and drive within Luton boundaries whereas Luton drivers cannot have tinted windows in their vehicles. The fact that neighbouring authorities have differing vehicle standards, differing enforcement and conviction policies and can also take their vehicles to several garages for their MOT/Certificate of Compliance (Luton drivers must use the council depot at Kingsway) is seen as unfair to the trade, and can cause enforcement difficulties for the staff. The Deregulation Act coming into force in October is likely to exacerbate this issue also so it is imperative that some cross border consistency is pursued.

Improvements

The officers are already looking at 'flexible warranting' across boundaries so that enforcement officers in Luton can enforce against any of the neighbouring drivers who don't meet Luton standards whilst driving in Luton, but this is not yet in place.

Local authorities have the power to attach conditions to taxis and influence the local context in which vehicles operate, so a range of licensing policies have been developed which vary from relatively relaxed to very strict regimes. Many councils have also adopted local bylaws that regulate driver conduct. This has led to differing standards with little co-ordination within regions or nationally. Coupled with the fact that councils have no ability to stop vehicles (only the police can do that) and only being able to take action against a vehicle or driver that it has licensed, there is nothing a council can do if a vehicle or driver licensed elsewhere is operating in their area. This is why the issue of cross-bordering is the most acute problem facing many councils currently.

Best practice councils meet and communicate regularly with Licensing Committees and officers in neighbouring councils to ensure critical information is shared, and that there is a consistency and robustness in their decision making. By working together on this issue local authorities can make sure that taxi services are safe, respected and delivering for their local communities.

Recommendations to improve cross border problems and issues:

1. Luton should lead a group of authorities in the county in setting up a working group pursuing consistent approaches and policies to licensing taxis and private hire vehicles. This should include both officers and Councillors.
2. A county wide protocol regarding enforcement should be pursued as a priority. **There is a suggested protocol set out on page 25 of the LGA Taxi and PHV Licensing – Councillors Handbook which gives a relatively easy way forward for authorities wishing to consider joint authorisation of officers to share enforcement powers across boundaries. The handbook is available on the website www.local.gov.uk or by emailing info@local.gov.uk**

4.2 MOT/Certificate of Compliance Garages

Currently the only garage drivers can have their vehicles inspected and a Certificate of Compliance issued from is the Council depot at Kingsway. Drivers are unhappy with this arrangement and it was included in a list of issues to be resolved which led to the strike in January 2015. The main issue was to give drivers choice of station and enable them to have their inspections carried out at weekends.

Improvement

The Department of Transport best practice guidance advises on the number of testing stations as follows:

There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs.

Recommendation:

To reconsider whether to provide more than the Kingsway Depot for inspection of vehicles. This would go some way to building bridges with the private hire operators and also possibly offer savings in costs.

5. Conclusions

There are many areas of the service that are already working really well and some innovative and commendable work is being undertaken e.g. Operation Acer-Joint work with the police regarding Child Sexual Exploitation; counter terrorism work with Special Branch; work with Charity Commission regarding fraud in street collections; There is also a culture within the staff team of continuous improvement and a willingness to look at alternatives and the development of new initiatives to improve the service e.g. Web-based applications.

However, the key challenge for the service is to rebuild the relationships between staff, Councillors and the trade and to put in place the mechanisms for this to take place.

With the willingness and co-operation of staff, Councillors and members of the trade, the issues identified above can be addressed and resolved to the benefit of all stakeholder groups, leading to an exemplar service for taxi licensing. EELGA wishes to thank everyone involved for their active participation and helpfulness in providing information for the Review.

Appendices:

1. Statement of the original brief
2. How the Review was conducted
3. Further examples of good practice
4. Guidance on 'Bias' (extract from LGA Taxi and PHV Licensing Councillors Handbook)

Carole Herries

EELGA Associate

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Appendix 1: Statement of the Original Brief

Brief for the Review

This review was carried out by EELGA in July and August 2015 at the request of Luton Borough Council. The review of the service was requested that would provide the following:

1. Ensure that the service is operating in a customer (customers being defined as any user of the service and residents who use the licensed service provided) focussed manner consistent with the law and budget available
2. Better understand the needs of service users and how these are being met in a manner consistent with best practice
3. Better understand the risk profile in which the service is being managed
4. Review the taxi and driver licensing process to ensure that it is as easy and efficient as possible, for both user and provider, consistent with maintaining appropriate controls and risk management
5. Provide confidence that the service is provided in an exemplar fashion with regards to Equalities and Diversity issues
6. Rebuild confidence and trust between Officers and Members

Appendix 2

How the review was undertaken

The review was carried out using a mixture of desk top reviews of policies, procedures and other council documents and information, interviews with staff, councillors and members of the taxi trade, and research into best practice.

Those interviewed were:

Staff:

Alex Evans	Laura Church
Sarah Vippond	Clive Tobin
Colin Kenny	
Rebecca White	Councillors:
Lisa Wright	Don Worlding
Holly Mernagh	Rachel Hopkins
Julia Miller	Michael Garrett
Hannah Green	Hazel Simmons
Amy Bacon	David Franks
Jenny van Beukelen	Tom Shaw
John Corbett	Aslam Khan
Aaron Wiltshire	Mahmood Hussain
Tony Ireland	

Members of the trade:

George Austin – independent private hire operator
Amjad Khan – Treasurer of Private Hire Drivers Union
Muhammad Zafar –Secretary of Private Hire Drivers Union
Mushtaq Ahmed – Chairman of Private Hire Drivers Union
Waqas Mohuyddin – Hackney Carriage Association
Mohammed Shafiq Khan – Hackney Carriage Association

Appendix 3: Further examples of good practice

1. Customer Service Offer

Manchester City Council implemented an online application system for taxi licensing in 2011 as a pilot which was very successful and now **all** taxi licenses are applied for on line. They also have an online tracking system so applicants can track the progress of their applications. This has resulted in less footfall into the office regarding applications and also less telephone enquiries. The system is 'mobile friendly' so drivers can use smart phones and other mobile technology to apply. If drivers don't have any mobile or computer resources, they can access the online application at a kiosk at the Town Hall, or at the local library.

Birmingham City Council operate an appointment system for **all licence types** which has resulted in a more efficient service for all applicants.

2. Communication and Consultation

There are several examples of good practice in delivering regular newsletters to the trade regarding current issues and changes affecting taxi trades. **Bracknell Forest Council and Birmingham City Council** have regular newsletters to the trade. Birmingham publishes their newsletter '@Driving Forward' regularly on their website. **Broxtowe Borough Council** also have a good regular newsletter.

Birmingham City Council also meets monthly with their Hackney Carriage and Private Hire representatives so have a regular ongoing dialect with them. The whole trade is encouraged to participate through the representatives.

3. Policy and Procedures

As well as **Cambridge City Council**, who have a very clear and comprehensive policy translated into a clear and concise handbook, **South Staffordshire Council** has a very good handbook where all the policies and procedures are simplified into one document.

Manchester City Council and Greater Manchester Police have jointly issued a handbook to taxi drivers regarding 'Safeguarding and Safety'.

4. Enforcement

Bradford City Council undertook an 'education programme' in support of enforcement officers to specifically help to re-build relationships between officers and drivers (which were often difficult given the nature of the enforcement). Carol Stoss, the Licensing Manager at Bradford is a good contact for this programme.

Birmingham City Council publicise a schedule of issues the enforcement officers will target and report. They also publicise their enforcement operation activities results on the website. This gives a very transparent view of their enforcement activities.

Appendix 4: Guidance on 'bias' (extract from LGA Taxi and PHV Licensing Councillors Handbook)

Section 25 of the Localism Act 2011 does not prevent members from publicly expressing a view about an issue or giving the appearance of having a closed mind towards an issue on which they are to adjudicate. However it is recommended that to avoid an appearance of bias the following advice should be observed:

- No member sitting on the licensing sub-committee can represent one of the interested parties or the applicant. If s/he wishes to do so s/he must excuse him/herself from membership of the sub-committee which is considering the application. Case law has also established they should not be in the room for the hearing once an interest has been declared.
- If a member who sits on the licensing sub-committee is approached by persons wishing to lobby him/her as regards the licence application then that member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her ward member or the licensing officer who can explain the process of decision making. If the member who sits on the licensing sub-committee wishes to represent them then s/he will need to excuse him/herself from the licensing sub-committee.
- Members who are part of the licensing sub-committee must avoid expressing personal opinions prior to licensing sub-committee decision. To do so will indicate that the member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives nor the statement of licensing policy.
- Political group meetings should never be used to decide how many members on the licensing sub-committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration. It may be advisable that the chair of the licensing sub-committee should state, during proceedings, that no member of the sub-committee is bound by any party whip.
- Councillors must not be members of the licensing sub-committee if they are involved in campaigning on the particular application.
- Other members (i.e. those who do not sit on the licensing sub-committee) need to be careful when discussing issues relating to matters which may come before the licensing sub-committee members as this can easily be viewed as bias/pressure and may well open that sub-committee member to accusations of such. While a full prohibition upon discussing such issues with committee members by other members may be impractical and undemocratic, local authorities are advised to produce local guidance for members on how such matters can be dealt with. Such guidance should include a definition of what is viewed as excessive e.g. attempting to obtain a commitment as to how the member might vote.