

APPENDIX 3 LOCAL AUTHORITY STANDARDS

Proposed Standard 1	Rochdale BC's Current standard																
<p>Timescales for applications</p> <p>It is proposed that authorities ensure processes are in place to allow customer licence holders to submit renewal applications up to 8 weeks prior to licence expiry; and to ensure that once any application has been determined, the licence will be issued to the customer within a maximum of 5 working days.</p>	<p>Timescale for applications</p> <p>Licences, identification plates and / or badges will be issued as soon as reasonably practicable.</p> <p>Pre-pandemic, existing licensees were expected to submit their renewal applications at least a month before the expiry of their licence to ensure timely renewal and receipt of licences.</p> <p>Since the pandemic, we have advised licensees to make applications for renewal at least 8 weeks prior to their licence expiry.</p> <p>Following determination of licence, licences are more often than not issued on the same day and well within any 5 working day period as proposed by the MLS standard.</p>																
<p>Reason for Proposal</p>																	
<p>Licensing Authority processes and related timescales can understandably prompt complaints from licence holders when backlogs or delays are encountered within the licensing service. By setting some minimum standards to ensure a better customer service for licence holders and new applicants, authorities will also need to ensure that their relevant services are efficient and adequately resourced to provide value for money.</p>																	
<p>Consultation Response</p>																	
<p><u>GM level response:</u></p>																	
<p>Very few comments were received about this standard across the board:</p>																	
<table border="1"> <thead> <tr> <th data-bbox="204 1776 384 1883">Standard</th> <th data-bbox="384 1776 544 1883">General public</th> <th data-bbox="544 1776 671 1883">Hackney Drivers</th> <th data-bbox="671 1776 799 1883">PHV Drivers</th> <th data-bbox="799 1776 959 1883">PHV Operators</th> <th data-bbox="959 1776 1118 1883">Business</th> <th data-bbox="1118 1776 1278 1883">Vehicle Leasing Company</th> <th data-bbox="1278 1776 1458 1883">Representatives</th> </tr> </thead> <tbody> <tr> <td data-bbox="204 1883 384 1998">Timescales for applications</td> <td data-bbox="384 1883 544 1998">5</td> <td data-bbox="544 1883 671 1998">0</td> <td data-bbox="671 1883 799 1998">13</td> <td data-bbox="799 1883 959 1998">0</td> <td data-bbox="959 1883 1118 1998">0</td> <td data-bbox="1118 1883 1278 1998">0</td> <td data-bbox="1278 1883 1458 1998">3</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives	Timescales for applications	5	0	13	0	0	0	3
Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives										
Timescales for applications	5	0	13	0	0	0	3										

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Timescale for application should be less than 8 weeks	3	0	4	0	0	0	3
More or no time restrictions for application	0	0	6	0	0	0	0
Time scale needs improvement	2	0	3	0	0	0	0
Base	5	0	13	0	0	0	3

Comments noted that there are other issues related to the application process that can affect adherence to timescales:

Six PHV drivers felt extra time should be allowed due to potential delays outside of their control such as DBS checks

“Things take an age when waiting for things like DBS checks, medicals etc at no fault of the applicant, I think licences should be granted on long term renewal applicants of good character and in no way should he be suspended from earning a living. But if an applicant has lied about convictions etc his badge should be revoked and the driver be deemed untrustworthy to be a license [sic] holder.” (PHV Driver, Wigan)

Three PHV drivers and two members of the public felt there were issues outside their control that affected the time taken to approve their application which negatively impacted their ability to work.

“The applications are not a problem getting them in to the Licensing department within eight weeks. The problem is the DBS checks coming back in time which is not always the case and if they do not arrive on time the drivers cannot work. This is unacceptable this is our livelihood and cannot sit at home without work and no other income to feed our families. The drivers should be given extensions in these cases.” (PHV Driver, Oldham)

“Timescales got applications is definitely one that needs overhauling. Covid has delayed applications which should never happen as plans should be in place for all eventualities of this stops a drivers from providing for his/her family.” (Public, age not provided, Bolton)

Rochdale BC Response level summary:

General comments: PHV drivers had a split opinion on the local authority standards some supporting them (n=3) and others stating that no change is required (n=2). Two

members of the public felt change is not required. One member of the public generally agreed with the standards and one suggested taxi licensing should be centralised.

“Leave as it is the way it’s run there are drivers that will be out of work because they can’t afford the new car” (PHV driver)

“About time the council are accountable” (PHV driver)

“I support these measures” (Public, age 45-54)

Timescales for applications standard: No comments from stakeholders during consultation.

Comments and considerations

The few comments that were made tended to reference delays with DBS checks, which would be minimised on renewals if drivers register and stay registered to the DBS Update service (DBS checks are online and instant if registered).

There is little risk to authorities in introducing this standard, and in a commercially competitive market, every benefit to outlining a minimum best practice for this element of the administration process to deter applicants seeking out authorities who have invested in efficient business systems and resources to deliver a timely service to customers.

As licence fees should be calculated to cover the reasonable costs of this administration service, these standards are not affected by wider council budget constraints.

Lead Officers recommendation

To implement the standard as proposed.

Proposed Standard 2	Rochdale BC’s Current standard
<p>An agreed common enforcement approach</p> <p>It is proposed that a common enforcement approach is developed and adopted to ensure that standards are adhered to in practice.</p>	<p>An agreed common enforcement approach</p> <p>The Council already has an existing proactive team of Senior Licensing Officers undertaking compliance checks throughout the Borough on licensed individuals and businesses (not only during the working day but also on evenings and weekends too on a rota basis). All compliance activities and any subsequent action are taken in accordance with the Service’s</p>

Enforcement policy / Enforcement concordat.

Reason for Proposal

Licence holders often refer officers to the fact that different decisions can be taken by different authorities when it comes to conduct and breach of licence matters. For any of these standards to be meaningful, it is important that they are implemented fairly and consistently both in decisions by officers and Members when reviewing licences at hearings.

Some authorities also take a much more proactive approach to monitoring and ensuring that licence policies and conditions are adhered to in practice, a further disparity also often highlighted by licensees who comment about the lack of frequency of on street checks in some areas compared to others. Risks associated with taxi and private hire licensing are not informed by the size of fleet or size of district. The most common and serious risks (for example drivers or vehicle licence holders allowing unlicensed individuals to drive their vehicle or use their badge) exist regardless of geographical or other factors. Passengers travelling in vehicles licensed by one authority should be able to expect that the same level of proactive checks are conducted if they get in a vehicle licensed by a neighbouring authority.

Consultation Response

GM level response:

Very few comments were made about the proposed common enforcement approach.

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Common Enforcement Approach	6	2	2	0	0	0	3

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Different licensing fee for different Local Authorities	3	2	0	0	0	0	0
One fee across the county / General Agreement	0	0	3	1	0	0	2

Licensing fee is very costly, and it should be affordable	2	6	9	0	1	0	1
Base	5	7	12	1	1	0	3

Those that commented, noted the benefits of a standard approach across Greater Manchester:

“Strongly agree. The need for common enforcement is of paramount importance given taxi drivers will operate across the GM boroughs. Councillors of course need training for this, though I would have thought these kind of approvals would be better suited to council officers than political members.” (Public, age 25-34, Salford)

Just one representative and one member of the public expressed concern:

“Enforcement Approach Each district has its own demands and as such some districts have little or no 'out of office enforcement'. How will this be addressed to ensure Manchester drivers are not the only drivers being subjected to full compliance.” (Organisation, Anonymous)

Rochdale BC Response level summary:

An agreed common enforcement approach standard: No comments from stakeholders during consultation.

Comments and considerations

Whilst few comments were received, one highlighted above makes a particularly pertinent point; to ensure the integrity of MLS we need to avoid a scenario where private hire drivers consider it more preferable to choose to be licensed by any particular authority within the conurbation on the basis that they conduct relatively few proactive checks compared to other authorities.

Considering that the level of compliance resource attributed to the licensing regime can be funded through the licence fees and ultimately affects and determines the licence fee, implementing this standard should also help ensure that the fees are more even and comparable across the board.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 3	Rochdale BC's Current standard
<p>A Common Fee Setting Framework</p> <p>It is proposed that a common methodology for setting the costs and calculating the taxi and private hire fees is agreed and adopted</p>	<p>A Common Fee Setting Framework</p> <p>All taxi and private hire licensing charges are levied on a full cost recovery basis. Any decrease / increase in percentage on the uplift of fees and charges are approved by budget setting Council for adoption.</p> <p>It is very likely that other GM districts are taking into account similar considerations for the setting of their fees and charges, albeit may not be identical.</p>

Reason for Proposal

Alongside standardised administration processes and a common enforcement approach, adopting an agreed common methodology for setting the costs and calculating the licence fees will ensure fairness and parity across all 10 authorities. Currently there are various models in use, and alongside variance in standards, this provides a fairly wide variance in fees currently. It is important to ensure the integrity of the proposed standards work as a whole, and that authorities are consistent in their approach to fees so as not to undermine each other and to deter the very problem we are lobbying government to address.

Consultation Response

GM level response:

A total of 29 comments were made about the proposed common fee setting framework.

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Licensing Fees	5	7	12	1	1	0	3

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Different licensing fee for different Local Authorities	3	2	0	0	0	0	0

One fee across the county / General Agreement	0	0	3	1	0	0	2
Licensing fee is very costly, and it should be affordable	2	6	9	0	1	0	1
Base	5	7	12	1	1	0	3

A few hackney (n=6) and PHV (n=9) drivers felt the licensing fee is very costly and needed to be made more affordable for drivers.

“Licensing fees should be reduced because mostly all forms are online so less manpower needed to process applications.” (PHV Driver, Bolton)

“Licensing fees are already high for vehicles to be plated in Manchester...that is why a lot of private hire drivers have gone to different councils and got their vehicles plated” (Hackney Driver, Manchester)

A handful of conflicting comments were received with some suggesting licensing fees should be different for different local authorities (2 hackney drivers).

“I don’t agree with licensing fees being the same across Greater Manchester as different areas will have different costs to run these departments but I think the discount we receive in Wigan for compliant vehicles should stay in place and also the fees should come down as admin is cut through doing more online.” (Hackney Driver, Wigan)

“Licensing fees should be same as they are all over the country, why there is such a big difference! hope someone can bother to look that massive difference!” (PHV Driver, Oldham)

Whereas three PHV drivers and two representatives thought licensing fees should be same across the country.

Rochdale BC Response level summary:

A Common Fee Setting Framework standard: No comment from stakeholders during consultation.

Comments and considerations

This proposal is not about having a ‘common fee’ as this is impossible with difference service models having different direct processing costs and overheads; but it is important that the fees are calculated in a fair and transparent way.

As taxi and private hire licence fees are set on a cost recovery basis, there is no risk to local authority budgets.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 4	Rochdale BC's Current standard
<p>Councillor Training</p> <p>Most Councillors already receive training, but this proposal ensures that this is embedded as a consistent standard and confirms that those with responsibility for taxi and private hire licensing, receive relevant training prior to sitting on any hearing panels.</p>	<p>Councillor Training</p> <p>In accordance with the Council's existing constitution and scheme of delegation, decisions around the "fit and properness" of applicants of licences and existing licensees lies with the Head of Public Protection and the intention is that this remains to be the case.</p> <p>The Head of Public Protection attends regular refresher training seminars both externally and in-house to be able to discharge this function appropriately, ensuring that the Council's interests are always maintained and risks mitigated. Referrals are also made to Service Director should the need arise.</p>

Reason for Proposal

This proposal seeks to ensure consistency of practice and the application of relevant safe and suitable / conviction policies, as well as a fairer system for licence holders who can be more assured of consistent decisions across the conurbation.

Consultation Response

GM level response:

Once again, a relatively small number of comments were made about this standard:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Councillor Training	19	1	5	2	0	0	6

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
General Agreement regarding councillor training	15	1	3	1	0	0	4

Additional subject suggestions for councillor training	2	0	0	1	0	0	1
Customer service provided by the councils needs improvement	3	0	3	2	0	0	1
Base	19	1	5	2	0	0	6

Fifteen members of the public, one hackney and five PHV drivers expressed general agreement with this standard.

“Councillor Training Should be mandatory and also standardised to ensure consistency. Also, useful if Councillors from other areas were involved to avoid any problems with approving or refusing drivers.” (Councillor / Elected official, Stockport)

A comment was received suggesting how the training could be made more useful for councillors.

“The training councillors receive should include training in 'what would a fair hearing look like', 'what would an unfair hearing look like'. Training should not just be focussed on 'we will train councillors in licensing policy matters they will likely not know about'. Process is important as it is people attending who may need to lose their licence.” (Councillor / Elected official, area not known)

Some additional comments made were:

“Councillor training? great idea. Could we also have child safeguard training and wheelchair access training? I'm fed up of seeing manual wheelchairs, pushed in sideways and not restrained in black cabs. If we had Enforcement, this bad practise may of been reduced.” (Operator, Trafford)

“Training the councillors is a good idea but they should have the right attitude and must treat drivers with respect and value the taxi trade.” (PHV Driver, Oldham)

Rochdale BC Response level summary:

Councillor Training standard: No comments from stakeholders during consultation.

Comments and considerations

The few comments that were made supported the proposal and/or made suggestions for other service improvements.

Lead Officers recommendation

To retain and continue with the Council's existing standard.

Proposed Standard 5	Rochdale BC's Current standard
<p>Delegated powers for Licensing Managers</p> <p>It is proposed that appropriate delegated decision making powers will be in place for Licensing Managers and Heads of Service to suspend or revoke licences on the grounds of public safety when an urgent need arises.</p>	<p>Delegated Powers for Licensing Managers</p> <p>In accordance with the Council's existing constitution and scheme of delegation, decisions around the "fit and properness" of applicants of licences and existing licensees already lies with the Service Manager - Head of Public Protection.</p>

Reason for Proposal

There are currently variances in the delegation schemes for suspension and revocation powers across the conurbation, meaning that if an immediate risk is identified with a driver, that driver could find themselves suspended or revoked by a Senior Officer with immediate effect that same day by one authority, but if licensed by another within GM, could wait several days (and therefore continue driving under that authority's licence) for a Committee to be convened to consider the same decision whether to suspend or revoke. This provides an imbalance for public safety and this proposal seeks to address that by ensuring consistency for the travelling public.

Consultation Response

GM level response:

Extremely few comments were made with regards to this proposal:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Appropriate delegated power for Licensing Managers	3	3	7	3	0	0	2

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Disagreement with appropriate delegated powers for Licensing Managers.	1	3	7	2	0	0	0

General Agreement - delegated powers	1	0	0	0	0	0	1
Concern Regarding the abuse of delegated power	1	0	0	2	0	0	1
Base	3	3	7	3	0	0	2

Those comments that were made, expressed concern:

“Revoke licence power must be in hand of committee or licensing cabinet member. At least drivers should have properly investigated before his licence revoked.” (PHV Driver, Rochdale)

“Appropriate delegated powers for Licensing Managers: thorough training and monitoring needed for this to ensure this is not open to abuse.” (Operator, Wigan)

Rochdale BC Response level summary:

Delegated powers for Licensing Managers standard: No comments from stakeholders during consultations.

Comments and considerations

Any decisions taken by an appropriate level Officer needs to be reasonable, evidence and risk based and just. All decisions are open to appeal and Officers must be satisfied that any decision made can resist such challenge.

Only very minimal concern was raised in response to this proposal, and it should be noted there is a much more significant risk to the public if a driver who has been identified as posing an immediate risk, is not suspended or revoked in a timely manner.

Lead Officers recommendation

To implement the Standard as proposed.

Proposed Standard 6	Rochdale BC's Current standard
<p>Excellence in Licensing Award</p> <p>It is proposed that a scheme is introduced to allow members of the public to nominate drivers and companies who they wish to be considered for an 'Excellence in Licensing award'.</p>	<p>Excellence in Licensing Award</p> <p>The MLS proposal wishes to provide positive recognition to both drivers and businesses by way of an award, something which currently isn't provided in the proposed format.</p>

Reason for Proposal

Whilst the majority of the proposed standards are rightly concerned with matters of public safety and mitigating identified risks within the industry, this proposal seeks to recognise that the majority of licence holders are compliant, safe and suitable individuals, many of whom take pride in their work and seek to provide a safe, comfortable and quality customer service to their passengers. The scheme seeks to award these individuals and encourage all in the industry to strive to deliver excellence at all times.

Consultation Response

GM level response:

Of all the Local Authority Standards, this proposal had the highest number of comments, whilst still remaining low in relativity to the wider consultation.

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Excellence in Licensing Award	27	4	3	0	0	0	1

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Concern about the authenticity of the award	8	0	1	0	0	0	0
It is a good Idea to appreciate drivers	14	1	0	0	0	0	1
Doesn't think as a good idea, i.e. waste of time and money	6	3	3	0	0	0	0
Base	27	4	3	0	0	0	1

Members of the public commented far more than the trade here, and were generally positive and keen to show appreciation of drivers:

“An excellent approach, and one we very much welcome, it is about time there was some way to publicly reward the drivers or indeed operators for the service they provide, so anything that encourages such approaches is very highly encouraged and supported.” (Organisation, National Private Hire and Taxi Organisation)

“I think the Excellence in Licensing Award is a really good incentive for hard working and compliment drivers / operators, much like the Best Bar None awards for licensed premises.” (Public, age 35-44, Trafford)

A small number of concerns were expressed as follows:

“The award is a good idea but larger firms such as metro in Bolton only need to ask all their passengers to put them forward and would win every time.” (Public, age 55-64, Bolton)

“An excellence award seems to be one that can so easily be abused, even down to the point where a driver may say, “Vote for me and you get £1.00 off the fare.” Disagree strongly with this suggestion.” (Public, age 65-74, location not provided)

“Excellence in Licensing award. I think this is a BAD idea! A recent innovation at the firm I work for is a star rating and comment from the passenger about the driver. Passengers are leaving 1-star ratings and making crappy comments out of spite for any perceived slight. (differing opinions on Brexit between driver and passenger? This may result in a 1-star rating and "a racist" in the comments option). At the 5-star end of the ratings, drivers may pick up a passenger who happens to be a mate of his or her. The passenger will be lush in the comment option about what a wonderful experience was. If drivers wish to go above and beyond what is expected of them - great, just be humble about it.” (PHV Driver, Wigan)

“I always give good customer service I don't need a meaningless award to make me do it.” (Hackney Driver, Trafford)

Rochdale BC Response level summary:

Excellence in Licensing Award standard: No comments from stakeholders during consultation.

Comments and considerations

Whilst the detail of how this scheme would be implemented needs to be developed (including how the scheme would be funded), in principle most of the comments supported the idea, whilst accepting there were some concerns expressed.

Lead Officers recommendation

That further time is needed to reflect on how a scheme would be operated, funded and be seen to be fair.