

APPENDIX 7 - LOCAL AUTHORITY STANDARDS

Local Authority Proposed Standard 1	Trafford 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>Current procedures allow applicants to submit renewal applications up to 6 weeks prior to licence expiry. The Authority does not have a policy detailing the timescale for issuing a licence once an application has been determined but this is usually within a few days.</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="209 1377 395 1480">Standard</th> <th data-bbox="395 1377 528 1480">General public</th> <th data-bbox="528 1377 660 1480">Hackney Drivers</th> <th data-bbox="660 1377 793 1480">PHV Drivers</th> <th data-bbox="793 1377 925 1480">PHV Operators</th> <th data-bbox="925 1377 1058 1480">Business</th> <th data-bbox="1058 1377 1190 1480">Vehicle Leasing Company</th> <th data-bbox="1190 1377 1423 1480">Representatives</th> </tr> </thead> <tbody> <tr> <td data-bbox="209 1480 395 1608">Timescales for applications</td> <td data-bbox="395 1480 528 1608">5</td> <td data-bbox="528 1480 660 1608">0</td> <td data-bbox="660 1480 793 1608">13</td> <td data-bbox="793 1480 925 1608">0</td> <td data-bbox="925 1480 1058 1608">0</td> <td data-bbox="1058 1480 1190 1608">0</td> <td data-bbox="1190 1480 1423 1608">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										
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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)

Trafford Response:

General comments: Of the few comments received, all were of general agreement (n=6):

“Anything which improves this service, assures passenger safety and regulates the industry, holding it more accountable is a positive move for Manchester” (Public, age 55-64)

“Agree with these. If you are setting standards for the companies then it’s only fair there are expected standards from the local authority. Really like the idea of the award too.” (Public, age 35-44)

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Timescales for applications	0	0	0	1	0	0	0

An operator commented;

A driver badge within 5 weeks, better than the current 4 years?

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.

Recommendation

To implement the standard as proposed.

Local Authority Proposed Standard 2	Trafford Current standard
<p>An agreed common enforcement approach It is proposed that a common enforcement approach is developed and adopted to ensure that standards are adhered to in practice.</p>	<p>N/A as the proposal is for all 10 authorities to work together to develop a new framework.</p>
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)

Trafford Response:

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

No additional local comments were received.

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.

Recommendation

To implement the standard as proposed.

Local Authority Proposed Standard 3	Trafford Current standard
<p>A Common Fee Setting Framework It is proposed that a common methodology for setting the costs and calculating the taxi and private hire fees is agreed and adopted</p>	N/A as the proposal is for all 10 authorities to work together to agree a common framework.

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.

Trafford Response:

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

The respondent commented that fees were costly and should be affordable.

Comments and considerations

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

Recommendation
To implement the standard as proposed.

Local Authority Proposed Standard 4	Trafford Current standard																
<p>Councillor Training* 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>	Relevant training is provided to Councillors prior to them sitting on any hearing panels.																
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																	
<p><u>GM level response:</u></p> <p>Once again, a relatively small number of comments were made about this standard:</p>																	
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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)

Trafford Response:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Councillor Training	0	0	0	1	0	0	0
<p><i>“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)</i></p>							
Comments and considerations							
<p>The few comments that were made supported the proposal and/or made suggestions for other service improvements.</p>							
Recommendation							
<p>To retain the standard as proposed.</p>							

Local Authority Proposed Standard 5	Trafford Current standard
<p>Delegated powers for Licensing Managers 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>The Authority has an emergency powers procedure which allows the Corporate Director (in consultation with the Chair, Vice Chair and Opposition Spokesperson) to suspend or revoke licences on the grounds of public safety when an urgent need arises.</p>
Reason for Proposal	
<p>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</p>	

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)

Trafford Response:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Businesses	Vehicle Leasing Company	Representatives
Appropriate delegated power for Licensing Managers	0	0	1	0	0	0	0

The one local comment received disagreed with the proposal.

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.

Recommendation

To implement the standard as proposed.

Local Authority Proposed Standard 6	Trafford Current standard
<p>Excellence in Licensing Award 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>	No current scheme in place.
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 the 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)

Trafford Response:

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

There was mixed opinion regarding the Excellence in Licensing Award from members of the public with two people thought it was a good idea and one had some concern about the authenticity:

"Waste of money and subject to being fiddled. will be able to buy positive feedback online so it will have no value to consumers" (Public, age not provided)

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

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.
Recommendation
To reflect on how a scheme would be operated, funded and be seen to be fair and take direction from Members about developing a scheme further.