

Taxi licensing working group notes – 22 October 2010

Attendees: Tony Ireland Luton (East), Nick Bramhill North Lincolnshire (Yorks and Humber), Yvonne Lewis Swansea (Wales), Phil Sodequest Northumberland (NE), Carl Robinson Southend (SE), Suzanne Fisher Telford and Wrekin (WM), Charlotte Meller LG Regulation, Tom Moody LG Regulation.

Apologies: John Miley Broxtowe (EM), Keith Burchell Bristol (SW), Katherine Parry. Preston (NW)

Speakers: Rachel Watson Busses and Taxi Division DfT, David Cowey Head of New Business Development GoSkills

LG Regulation presented details of completed and current taxi and PHV licensing projects:

Standard conditions template

It was noted that the standard conditions template had received a number of comments from the sector, the majority of which were amalgamated within the document. There had been concern from some councils with the use of the term 'minimum standards', as this would ordinarily refer to the statutory minimum standards. It was thought that the document could be used by the taxi and PHV trades as a tool to use against local councils to raise or lower current standards. The original intention for the template was to bring all council's taxi and PHV licensing provision up to a certain standard, and referring to the statutory minimum would not achieve this. The template is guidance only, and would be left in a draft form on the LG Regulation website until further comments were received.

There was a suggestion from the group to include NCAP safety ratings as a means to ensure vehicle safety.

Emissions – there was some confusion as to what were the correct European standards, as it was thought that there were two lists, this would be looked into in more detail.

Action: LG Regulation to research European standards

CRB checks – it was noted that there was differing practice within councils on the correct use of soft information made available from enhanced CRB checks. Information which was additional to the CRB such as individual letters.

Action: LG Regulation to contact HO for clarity.

SF noted that Telford and Wrekin were working with UKBA on developing a more formalised protocol regarding checking the immigration status of applicants.

Action SF to share details of protocol with UKBA with LG Regulation when completed.

Criminal convictions policy

The group agreed with the suggested changes.

Action: TM to amend

Action: Structured decision making, PS to send to LG Regulation

National mechanical testing standards

SF attended a review of the standards by the Hackney Carriage and Private Hire Inspection Technical Officer Group. Notes from the meeting are included in the update paper. The group were supportive about working together with LG Regulation to promote the standards and would also be willing to attend the forthcoming stretched limousine licensing guidance meeting.

Police training presentation – a comment was received that the pitch of the current presentation is too basic. North East Lincolnshire had been requested to provide a training package for new local police – Lincolnshire and LG Regulation would share information to produce a national package.

Action: TM to liaise with NB to work together and share info on police training package

New officer guidance - the guidance document is more useful as a sign posting document linking in the relevant documents.

Type approval guidance – There needed to be more examples of other certificate letters (SVAs/IVAs), and examples of what is not acceptable, e.g. letter from dealership. It would be helpful if the guidance could be tailored as an information sheet for applicants to explain in layman's terms what was required.

Action: TM to contact VCA to initiate conference call.

Fees template

It was noted that in the current financial climate this would be valued as soon as possible. A table with key headings would be useful, and examples of what to include, training etc.

It was noted that there was a recent case in the North East where a council was challenged on whether the taxi licensing service was fully cost recoverable. It would be useful if LG Regulation could identify the process of how a licensing authority should go about producing transparent yearly accounts.

Rachel Watson DfT.

Review of the vetting and barring scheme. It was noted that the terms of reference of the review would be released on 22 Oct.

Action: TM to contact the Home Office to ensure the views of regulatory services were taken into consideration re CRB checks.

There was some concern that enhanced CRBs were not intended to be made available for taxi/PHV licensing applicants. LG Regulation have been advised by the DfT and Home Office that licensing authorities should continue to require applicants to undertake enhanced CRB checks, until further information is available following the review of the vetting and barring scheme. To ensure drivers were intending to transport children and the vulnerable some licensing authorities, such as North Lincolnshire, required applicants to complete a pre licence questionnaire.

DfT officials were aware that the legislation was outdated and in need of review but there was a need to convince ministers, also it is something Minister Norman Baker is aware of and was mentioned at a recent NALEO speech the need for robust checks on drivers, suitable vehicles and proper enforcement.

Action: DfT to follow up regarding designated lists (under Equality Act) as concern that the guidance does not reflect the Act.

David Cowey, Go Skills

David gave details to the group of Goskills accreditation scheme, which is intended to raise the quality of training providers which deliver taxi and PHV driver training.

It was agreed that as there was no more funding available the cost of the qualification would need to be passed to the drivers. The amount would differ from provider to provider but it would be expected to be in the region of £350. Many drivers who had passed the qualification had now become training providers themselves using their practical knowledge of the job, and earning additional income.

In many instances there was a commercial benefit for drivers passing the qualification as many hotels/businesses etc only make contracts with drivers that have passed the qualification, and some areas promote this as part of a 'gold

badge' scheme. Eco driving was also given as an example of where the trade can be encouraged to undertake training as it also has a financial benefit of saving fuel to the driver.

Stretched limousines

There is differing practice regarding the mechanical testing of stretched limousines, some use council testing stations and other private or VOSA testing stations. There may be issues with the legal duty of councils to provide this service.

The IoL have developed a set of model conditions for stretched limousines – **Action:** YL to send to LG Regulation. There were a number of issues which that would have to be separately addressed within the stretched limousine guidance e.g. where these vehicles can not be assessed as regular PHVs such as are side facing seats acceptable/ left hand drive, vehicles having the correct insurance etc.

One of the key issues is vehicles which fall between a PHV and a PSV. To increase joint working with VOSA a draft protocol of commitment/statement of intent could be produced. The guidance should also contain information for all novelty vehicles licensed as PHVs.

There were examples of successful joint operations between licensing authorities and VOSA such as Operation Headlamp in Luton. **Action:** TI to send further details.

A councillor briefing would be useful to raise awareness and encourage councillors to license these vehicles.

Issues to be included within the guidance (but not an exhaustive list)

1. model new conditions, including novelty vehicles (see IoL work)
2. testing facilitates (SVA or IVA?)
3. seating capacity
4. joint enforcement programme
5. public awareness
6. documentation required
7. links to relevant documents

Insurance issues

There was some concern from a number of licensing authorities that many drivers were operating with the incorrect type of insurance. There was some debate in the group as to what should be the role of the licensing authority with this issue, as the concern for the authority was the safety of the public if

insurance always pay out for 3rd parties. LG Regulation would monitor the situation and raise at the next taxi licensing working group.

Emissions

The European standards are only applicable at manufacture and consideration should be made for regular vehicle emissions testing in line with other conditions of licence (Stockton and Sefton are developing policy in this area). Oxford was noted as having a rolling programme of emissions testing to achieve consistent Euro 4 levels.

Air quality was thought to be a greater consideration in large cities where there were higher levels of emissions from traffic, and as such any emissions policy should be applied at the discretion of individual authorities.

Standard enforcement check list

The group felt that this could put an unnecessary pressure on local councils, and that LG Regulation should continue to promote case studies and good practice, rather than produce such a checklist.

Shared services agreement

Luton has recently taken on enforcement responsibility for neighbouring councils. Decision making at committee/sub committee level would still stay within the respective district.

Hertfordshire and Bedfordshire have joined mutual aid and enforcement provisions in all of their licensing provisions. Other known examples include Chelmsford and Maldon, LG Regulation to contact for further information.

The main saving of such provisions would be hosting, accommodation and back of office admin/systems etc. Officers would have powers to enforce across authorities (flexible warrants). It was thought that there were some legal/H&S concerns about going ahead with such an agreement. Other possible delivery models included mutual and fully outsourced services.

Prioritisation: (members to check with their representative groups if the order prioritisation is appropriate)

1. fees template
2. stretched limousine guidance
3. type approval guidance
4. police training toolkit
5. councillor briefing re limos/novelty vehicles
6. taxi and PHV licensing policy framework

7. new officer guidance

Consideration to be given to producing guidance on taxi and PHV licensing to magistrates.

Action points (beyond key projects)

1. YL send TM IoL stretched limousine conditions doc
2. TM to liaise with NB to work together and share info on police training package
3. TM to contact Home Office re review of vetting and barring scheme and correct use of soft info from CRB checks
4. PS to send TM details of structured decision making
5. TM to arrange conference call with YL and the VCA re clarity for type approval.
6. TI to send details of operation headlamp, and shared services info with a view to writing up case studies
7. TM to contact Oxford, Sefton and Stockton for more info on their work on emissions
8. TM to contact Hertfordshire and Bedfordshire, Chelmsford and Malden for more information on shared services.
9. DfT to follow up regarding designated lists (under Equality Act) as concern that the guidance does not reflect the Act.
10. SF to share details of protocol with UKBA with LG Regulation when completed.