

EAST HERTS COUNCIL

COMMUNITY SCRUTINY COMMITTEE - 20 NOVEMBER 2012

REPORT BY CHAIRMAN OF TASK AND FINISH GROUP

REVIEW OF TAXI LICENSING PROCESS IN EAST HERTS.

WARD(S) AFFECTED: All

Purpose/Summary of Report

- This report summarises the review, and presents draft recommendations for committee members' consideration and agreement.

<u>RECOMMENDATION FOR COMMUNITY SCRUTINY:</u>	
(A)	The Committee considers and endorses the approach and findings of the Task and Finish Group
(B)	The Committee agrees to recommend to the Licensing Committee that a robust 'convictions policy' be introduced in relation to taxi licensing.
(C)	The Committee agrees to recommend to the Licensing Committee that some decision making relating to taxi licensing is devolved to designated officers in line with the terms set out in any agreed 'convictions policy' along the lines of the assessment grid set out in Essential Reference Paper B.
(D)	The Committee agrees to recommend that a progress report on the suggested actions listed in paragraph 2.8 is taken to Licensing Committee when the actions have been further evaluated.

1.0 Background

1.1 On 12 June 2012 Community Scrutiny Committee agreed to set up a Task and Finish Group to undertake a review of Taxi Licensing in East Herts.

1.2 The scope was discussed at a meeting of the Task and Finish Group on 1 August 2012, where the core questions of asking

whether the licensing process was effective, efficient and economic were agreed.

1.3 In proposing a scope the group considered;

- the current taxi licensing Policy and relevant appendices, and;
- the report to licensing Committee in September 2011, with summary of criminal convictions/offences that had been considered regarding taxi drivers and applicants 2007-2010, and;
- Press articles relating to taxi services in East Herts, and;
- Information about the current Law Commissioners consultation on Taxi Licensing.

The following were identified as desirable outcomes;

- Achieve further cost savings;
- Propose a convictions policy;
- Propose delegated powers in certain situations;
- Rebuild the reputation/image and public confidence in the service (including ideas for press releases, use of our own website and item in LINK magazine);
- Refresh the Taxi licensing policy in advance of a full review in 2014.

The meeting agreed that Licensing Manager would benchmark East Herts Taxi Licensing policy against other authorities and organisations, and obtain examples of best practice in taxi licensing and commonly used time limits in applicant and driver convictions policies.

Licensing Manager would also benchmark presence of a representative from Legal Services to advise Licensing Sub Committee, to ascertain common practice.

2.0 Report

2.1 The group met on 6 September 2012 and considered whether the process is **effective**, looking at;

- Convictions
- Complaints/compliance; and
- Standards

The group was to have considered evidence in person from the Police, however for operational reasons the Police could not attend, and they later provided evidence in writing, that contributed to the drafting of an example convictions policy.

In addition to the Taxi Licensing policy and appendices considered in the 1 August 2012 scoping meeting, the group also considered;

- A list of complaints about taxi drivers from 2011;
- Examples and summary of other authorities' and organisations' licensing and convictions policies arising from the benchmarking exercise conducted by Licensing Manager, and;
- summary of other authorities' practice on legal advice at sub-committee, and;
- Insurance industry standards on assessing risk from former drink-drivers

The following outcomes were agreed;

- Licensing Manager to consult with East Herts Risk Assurance Officer to see how much information is available from the insurance industry regarding risk from drivers convicted of driving offences, with respect to time lapsed;
- East Herts should develop a Convictions Policy based on 'industry' standards and best evidence (not Home Office Circular 13/1992), and amend Appendices C and D of the current East Herts taxi licensing policy accordingly;
- Undertake wider benchmarking for authorities who have already revised their (convictions) policy without reference to HO 13/1992.
- the Vehicle Standards in East Herts current policy (Appx B) to stand
- the Penalty Points System in East Herts current policy (Appx E) to stand – but consider renaming it.
- the system for dealing with complaints as currently used – to stand.

2.2 The group met again on 24 September 2012 and considered whether the process is **efficient**, looking at evidence in person from licensed taxi drivers.

The group considered evidence in person from representatives of the taxi trade.

The following outcomes were agreed;

- Licensing Manager to provide the budget book pages to show the figures behind the fees and charges cost recovery calculation;
- Scrutiny Officer to investigate Communications policy on use of the corporate logo, and;
- Scrutiny Officer to investigate cost of uniform items with Environmental Services Team Leader.

The group also agreed that the following matters should be explored further;

- Smartness – enforcement of existing standards to raise standards
- Points system – recommend renaming and re-launching it
- Vehicle standards – possibly more spot checks (and joint with other agencies)
- Smoking in taxis – possibility of more enforcement
- Idea of having ‘reps’ drivers to report in
- Redesign the driver badges;
- The possibility of a ‘gold standard’ accreditation scheme for taxi drivers that operate at the highest standards.

2.3 The group met again on 18 October 2012 and considered whether the process is **economic**, looking at;

- Costs of the process;
- Comparison with similar statutory processes in Development Control.

The group considered;

- evidence in person from Head of Development Control and Councillor Rutland-Barsby (Chairman Development Control Committee) about the Development Control decision making model, including the extent of delegated powers, and the relative costs of delegated decisions compared to committee decisions;
- The proposed increases in taxi fees and charges identified in the Medium Term Financial Plan;
- Costs of uniform items purchased by Environmental Services;
- The grid design of the Security Industry Authority convictions policy.

The group agreed that:

- The introduction of a convictions policy was good idea and that the group would recommend introduction;
- Members should determine where the 'bar' should be
- Some decisions to be devolved to officers once there was a framework to refer to;
- The Licensing Manager to identify the sections of existing policy that would need to be amended;
- Following changes, training needs to be re-considered;
- Updating of website and press releases to be discussed with Communications;
- The final report to be shared with the taxi representatives before publication.

2.4 The group met again on 1 November 2012 to produce a summary of actions and recommendations.

2.5 Based on current best practice, the key recommendation of the Task and Finish group is that East Herts should introduce a convictions policy (in relation to taxi licensing) and that a robust policy will allow for some decisions to be devolved to officers. At the heart of any policy would be an 'assessment grid' of offences/convictions against which a decision to grant, refuse or consider a taxi license application would be made.

2.6 A suggested model for such an 'assessment grid' is offered in **Essential Reference Paper B**. Members of the Task and Finish group had reference to convictions policies used by other authorities and two main industry documents:

- 'Insurance and Convictions' published in 2011 by Unlock in association with the ABI (Association of British Insurers) www.unlock.org.uk/pressmedia.aspx?id=50#iaa
- 'Get Licensed' – the SIA (Security Industry Authority) licensing criteria published March 2012 <http://www.sia.homeoffice.gov.uk/Pages/publications.aspx?category=Licensing+Booklets>

2.6 Members of Community Scrutiny are asked to review and support the 'assessment grid' and commend it to the Licensing Committee for inclusion in any convictions policy.

2.7 A summary of the actions and recommendations of the Task and Finish group (in relation to taxi licensing) are set out below, cross referenced to the supporting evidence.

	evidence	purpose
Recommend the introduction of a convictions policy	Based on best practice, benchmarking and allied industry standards Written evidence and support from police Support from taxi driver reps	To make the process effective To safeguard residents and strengthen confidence in the system
Recommend that some decision making is devolved to officers	Already have a good example operating in Development Control – including calculation that decisions made by committee are 5 times the cost of devolved decision making. Benchmarking against other authorities	To make the process efficient and economic
Retain, unchanged: <ul style="list-style-type: none"> • Cycle of CRB checks • Knowledge test arrangements • Complaints system • Reminder schedule to drivers • Vehicle standards (Appx B of current policy) 	Although some points were raised by drivers looking to make the process ‘easier’ – there was no evidence that any of these standards should be lowered/reduced	To maintain an effective and efficient process in which residents can have confidence
Retain, unchanged – but raise profile of <ul style="list-style-type: none"> • Driver dress code and driver code of conduct (Appx D of current policy) • Existing smoking 	Some concerns raised by driver reps although no formal complaints received	To generally raise and maintain standards

rules • Vehicle appearance standards (Appx B of current policy)		
Retain, unchanged – but re name and re launch the ‘penalty points system’ (Appx E of current policy)	Feedback from driver reps	To retain an effective monitoring tool to maintain standards
Continue to have legal representation present when committee does meet	Benchmark from other Licensing Authorities	To maintain an effective and efficient decision making process in which residents can have confidence

2.8 Following the discussion session with driver representatives, there are four actions which the Task and Finish group are suggesting should be undertaken by officers.

action	purpose
To further evaluate the use of ‘uniform’ clothing with the wider driver group and with a view to possible sponsorship	To investigate whether there is wider support for the idea To evaluate the ‘economics’ of the idea
To further explore the idea of having a ‘gold standard’ driver scheme	To generally raise and maintain standards To set high local standards
To seek any future grants or sponsorship funding for In-Car security camera as opportunities arise	To promote community safety: for both passengers and drivers To evaluate the ‘economics’ of the idea
To continue to develop robust approaches to vehicle check joint operations with our partners	To promote community safety To ensure the process is as effective and efficient as possible

2.9 The Task and Finish group would like to thank all the people who contributed to the desk-based research and the evidence sessions. Their information and views have supported and underpinned the outcomes of this review.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Full notes of the task and finish group meetings are available on request.

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