Complaints about taxi and private hire vehicle licensing

This fact sheet is aimed at people who are concerned that the council is not taking appropriate action over issues relating to taxis and private hire vehicles and may be considering making a complaint to the Ombudsman.

I am unhappy with the way the council has handled my concerns about taxi or private hire vehicle licensing. Can the Ombudsman help me?

- Yes, if you are complaining about the way the council has dealt with a complaint about a taxi driver or the driver of a private hire vehicle, even if you are the driver being complained about. However, we can’t overrule the council’s decision on whether or not to take action if it has followed the right procedures in reaching a decision. But, if you believe the council did something wrong in the way it investigated a complaint about a driver and can also show that it caused you problems, then you can complain to us and we can investigate. However, before doing so, we will consider whether the problems you have been caused are sufficient to warrant an investigation.

- We can also investigate complaints about the way a council has dealt with issues such as fare increases and licence fees, or about delays in handling licence applications.

- However, if you are complaining about the decision to refuse a licence, the imposition of a condition or the revocation of a licence, you have a right of appeal to a magistrates’ court which we would normally expect you to use.

How do I complain?

- You should normally complain to the council first. Councils often have more than one stage in their complaints procedure and you will usually have to complete all stages before we will look at your complaint.

- Then, if you are unhappy with the outcome, or the council is taking too long to look into the matter – we think 12 weeks is reasonable – you can complain to us.

- You should normally make your complaint to us within 12 months of realising that the council has done something wrong.

- To complain to the Ombudsman phone our Advice Team on 0300 061 0614 or 0845 602 1983 (8.30am to 5.00pm, Mondays to Fridays). You will be able to discuss your complaint with one of our advisers. You can text us on 0762 480 4299.

- You can complete an online complaint form at www.lgo.org.uk/making-a-complaint, or you can email us at advice@lgo.org.uk.

If you can consider my complaint what will the Ombudsman look for?

We consider whether the council has done something wrong in the way it has dealt with the matter you complain about and, if so, what effect this had and what problems it has caused for you. Some faults we might find are that the council:

- dismissed your complaint without carrying out a proper investigation;

- did not give a driver an opportunity to comment on an allegation before issuing a written warning;

- took too long to deal with an application for a licence;
- took too long to make a decision on fare increases;
- failed to consult properly before making a decision to increase licence fees.

**What happens if the Ombudsman finds that the council was at fault?**

- It depends on the fault and what the consequences are for you. However, we may suggest that the council apologises for any failings. In some circumstances, for instance when a delay has resulted in a loss of income, we may ask the council to pay compensation.
- If the council has not investigated your complaint properly or has failed to consider evidence that it should have, we may suggest that the council reopens its own investigation with a view to rectifying any omissions.
- Where a flawed investigation has resulted in a warning letter being issued, we may ask for the letter to be removed from a driver’s file.
- We may also ask for compensation for the time, trouble or expense you have been put to in pursuing your complaint.
- Where we find fault with the council’s procedures we will often recommend that the council introduces changes so that the same problem does not occur again in the future.

**Examples of some complaints we have considered**

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<td>Mr P, a licensed taxi driver, complained that the council issued him with a warning letter about his behaviour, following a complaint from a member of the public, without first obtaining his views. The council accepted that it had been wrong to do this, and that it had not followed its own procedures for dealing with such complaints. It apologised to Mr P and paid him £100 for the upset he had been caused.</td>
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<td>Mr L complained about council’s decision to revoke a taxi licence he had held for 12 years.</td>
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<td>The council had advised Mr L that he could appeal against the decision to its licensing sub-committee and that, if the committee upheld the decision to revoke his licence, he would have a right of appeal to the local magistrates’ court. We told Mr L his complaint was not for us as he had clearly been advised of his appeal rights.</td>
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**Other sources of information**


Our fact sheets give some general information about the most common type of complaints we receive but they cannot cover every situation. If you are not sure whether we can look into your complaint, please call 0300 061 0614.

The Local Government Ombudsmen provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result the Ombudsmen aim to get it put right by recommending a suitable remedy.

November 2009