



11 FEBRUARY 2020

Report of: Corporate Director of Place and Community

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**SUBJECT: HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2019 –
VEHICLE PROPRIETOR LICENCES**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To make an amendment to the Hackney Carriage and Private Hire Licensing Policy 2019 regarding vehicle proprietor licences.

2.0 RECOMMENDATIONS

- 2.1 That the relevant sections of the Hackney Carriage and Private Hire Licensing Policy 2019 be amended so that the requirement to supply a basic Disclosure and Barring Service report relating to the determination of vehicle proprietor licences applies to individuals only on first application to this Authority.

3.0 BACKGROUND

- 3.1 Members will recall the reports of 9 October 2018 and 4 December 2018 which contained proposed changes to the Hackney Carriage and Private Hire Licensing Policy (the Policy). These changes principally addressed safeguarding issues arising from the Institute of Licensing 'Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades', published on 26 April 2018.
- 3.2 Following consultation, these changes were incorporated into the 2019 Policy, which was approved by this Committee on 4 June 2019 and came into effect on 11 June 2019.

4.0 ISSUES

- 4.1 Members will note that in relation to both Hackney Carriages and Private Hire Vehicles, the Authority has an absolute discretion over granting the licence and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 4.2 One of the changes in the 2019 Policy was that anyone who owns and/or operates a Hackney Carriage or Private Hire Vehicle (who is not also a licensed Hackney Carriage, Private Hire Driver or Private Hire Operator) must provide additional information in their application, which also included the provision of a basic Disclosure and Barring Service (DBS) report.
- 4.3 In practice, this requirement has been problematic to administer, particularly with regard to insurance and/or car supply companies who legitimately provide a car for temporary use. In such cases, there is no direct individual involved that can be subject to a basic DBS report. Moreover, it is not the intention for a person to provide the DBS report on each and every vehicle licence application.
- 4.4 It is therefore proposed to amend the relevant sections of the 2019 Policy so that the requirement to supply a basic Disclosure and Barring Service report relating to the determination of vehicle proprietor licences applies to named individuals only (i.e. not those representing a body corporate, were that business has no influence or input other than to supply a vehicle) on first application with this Authority. Further Basic DBS reports can then be required as necessary as part of any future application under the existing provisions contained in the 2019 Policy.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The Policy has the potential to impact upon many areas within the Community, particularly upon taxi services directly and the Council's ongoing safeguarding responsibilities to the public within West Lancashire.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

- 7.1 The Council has a legal duty to administer the Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a Policy document. However, given the complexity of the licensing regime, it is good practice for the Council to formulate and publish relevant policies and standards. Given that Members have already approved the existing Policy, a failure to improve and maintain the requirements of the Policy could result in criticism from the community including statutory bodies, the taxi trade, the travelling public and other interested parties.

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.

Appendix 1

Equality Impact Assessment Form



Directorate: Leisure and Wellbeing		Service: Licensing	
Completed by: Paul Charlson		Date: 28/10/20	
Subject Title: HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2019 – VEHICLE PROPRIETOR LICENCES			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No		
Details of the matter under consideration:			
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>			
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
3. EVIDENCE COLLECTION			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public used licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence requirements and procedures.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The Policy has been subject to public consultation and the comments received helped to shape the content.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The Policy has been subject to public consultation and the comments received helped to shape the content.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	

<p>When will this assessment be reviewed and who will review it?</p>	<p>The Policy has been subject to public consultation and the comments received helped to shape the content.</p>
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