



LICENSING & APPEALS
COMMITTEE:
11 OCTOBER 2016

Report of: Director of Leisure and Wellbeing

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**SUBJECT: HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 –
LICENSED VEHICLE SPECIFICATION, VEHICLE TESTING REQUIREMENTS AND
APPLICATION PROCEDURES**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve amendments to the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 in respect of the licensed vehicle specification, vehicle testing requirements and application procedures.

2.0 RECOMMENDATIONS

2.1 That the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 be amended as detailed in Appendices 2, 3, 4 and 5 to this report.

3.0 BACKGROUND

3.1 Members will recall the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 (the Policy) was approved by this Committee on 2 February 2016 and was implemented from 1 April 2016 for a 5 year period.

Licensed vehicles

3.2 The Council's requirements for licensed vehicles are contained in the Policy and are derived from the MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as amended) issued by the Vehicle and Operator Services Agency as well as the National Inspection Standards for Hackney Carriages and Private Hire Vehicles published by the Public Authority Transport Network and the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

- 3.3 This means that the Council's requirements for licensed vehicles contain certain items that are in addition to those in the MOT Inspection Manual. Therefore, items that may ordinarily pass a standard MOT test for a private vehicle would fail the Council's requirements.
- 3.4 In practice, these requirements are set out in the following:
- Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix 2 to this report)
 - Private Hire Vehicle Specification and Conditions of Licence (Appendix 3 to this report)
 - Hackney Carriage Specification and Conditions of Licence (Appendix 4 to this report)
 - Application procedures (Appendix 5 to this report)
- 3.5 Members will be aware that the Council hold contracts with two vehicle testing stations (one based in Burscough and one based in Skelmersdale) to conduct the testing of all Hackney Carriages and Private Hire vehicles licensed by the Council. These contracts come to an end on 31 March 2017 and preparations are currently underway to suitably retender this work under existing delegations to the Director of Leisure and Wellbeing.
- 3.6 As part of these preparations, it was necessary to review the Council's requirements for licensed vehicles to ensure they are consistent with the current MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as updated) and current best practice.

Application procedures

- 3.7 In addition to the requirements for licensed vehicles, driver licence application procedures have been reviewed in the light of recent issues at a neighbouring authority. No significant issues have been identified; however, there is an opportunity to improve the handling of Enhanced Disclosures from the Disclosure and Barring Service (DBS).
- 3.8 The Council has previously used the mail service offered by the DBS to process Enhanced Disclosures for new and renewal applicants. Whilst this service is accurate, there can be a waiting time of 4-6 weeks for the results to be returned. The Disclosure is then provided only to the applicant, which routinely requires Officers to contact drivers for this information. Whilst applicants are not permitted to drive until the Disclosure is provided, this process means that outcome of the Disclosure is hidden from the Council until the applicant provides the information.
- 3.9 These issues can be addressed by the use of the DBS online service, which is currently being provided as an option to the mail service for applicants. The online process provides the Council with a positive or negative response as to the content of the Disclosure within 5-7 days. A positive response demonstrates that the Disclosure is clear and the applicant can be issued with a licence (presuming other application requirements have been met). A negative response means that there is an issue on the Disclosure and the applicant is prevented from driving promptly until this matter can be determined. Hard copies of the Disclosure are still provided to applicants, but the quicker initial response time provides benefits for the Council and applicants.

4.0 ISSUES

- 4.1 The review of the relevant parts of the Policy for vehicle specification and testing has not yielded any changes or implications for the licensed trade; rather it has made existing documents more clear. It is therefore not proposed to conduct any public consultation on these changes.
- 4.2 The existing delegation to Officers is only to make minor and/or inconsequential amendments to the Policy. Therefore, whilst there is little consequence from these changes, the matters could not be considered minor and so the proposed changes are provided to Members for approval.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The Policy has the potential to impact upon many areas within the Community. The Licensing Objectives, therefore, has some associations with the Community Strategy, and the proposals have the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D).

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.
- 7.2 The recommendations contained in this report are essential to ensure the continued consistent and accurate vehicle testing regime that has been long established.

Background Documents

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
2. Hackney Carriage and Private Hire Vehicle Inspection Standards
3. Private Hire Vehicle Specification and Conditions of Licence
4. Hackney Carriage Specification and Conditions of Licence
5. Application procedures

Appendix 1

Equality Impact Assessment Form



Directorate: Leisure and Wellbeing		Service: Licensing	
Completed by: Paul Charlson		Date: 11/10/16	
Subject Title: HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 – LICENSED VEHICLE SPECIFICATION, VEHICLE TESTING REQUIREMENTS AND APPLICATION PROCEDURES			
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> <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 use 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 review of documents has improved the consistency of the content, but there are no significant changes to current requirements.
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 review of documents has improved the consistency of the content, but there are no significant changes to current requirements. Therefore no public consultation is proposed on vehicle requirements; all drivers have been informed about changes to applications for driver licences.
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	
When will this assessment be reviewed and who will review it?	The current policy lasts for 5 years. It can be reviewed at any time, but will be reviewed after

	this 5 year period.
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