

**TO THE CHAIR AND MEMBERS OF THE
LICENSING COMMITTEE**

**Hackney Carriage and Private Hire Licensing Policy – Minor Amendments
to Policy and Vehicle Conditions**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr C McGuinness	All	N/A

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) includes details of vehicle standards and conditions and the pre-requisite requirements before a licence will be granted.
2. Whilst there are no proposed changes to the suitability test for licensed drivers and operators, this report seeks to amend the Policy to reflect recent legislative changes concerning the duration of driver and private hire operator licences.
3. This report also seeks to amend the Hackney Carriage and Private Hire vehicle specifications in respect of insurance write offs following the closure of the DVLA / VOSA Vehicle Identity Check (VIC) scheme.

RECOMMENDATIONS

4. It is recommended that:
 - 4.1 Section 3.13 of the HC & PH Licensing Policy, Duration of Drivers' Licences, is amended as follows:

Existing:

3.13 Duration of Drivers' Licences

Every licence granted to any person to drive a private hire and or hackney carriage vehicle shall remain in force for 3 years from the date of issue.

On renewal, all licences granted shall remain in force for 3 years

Replace the above with:

3.13 Duration of Drivers' Licences

Every licence granted to any person to drive a private hire and or hackney carriage vehicle shall remain in force for 3 years from the date of issue or such lesser period as may be considered appropriate in the circumstances of the case.

Notwithstanding the above, where immigration leave is time-limited to less than the statutory length for a driver licence, the licence will be issued for a duration which does not exceed the applicant's period of leave.

- 4.2 Section 5.3 of the HC & PH Licensing Policy, Private Hire Operator's Licence – Licence Duration, is amended as follows:

Existing:

4.1 Licence Duration

Operator licences, once issued, are valid for 12 months. Applications for renewal must be received on or before the expiry of the current licence.

Replace the above with:

5.3 Licence Duration

Operator licences, once issued, are valid for 5 years or such lesser period as may be considered appropriate in the circumstances of the case. Applications for renewal must be received on or before the expiry of the current licence.

Notwithstanding the above, where immigration leave is time-limited to less than the statutory length for an operator's licence, the licence will be issued for a duration which does not exceed the applicant's period of leave.

- 4.3 Requirement 2 of the Hackney Carriage – Vehicle Specifications and the Private Hire – Vehicle Specifications, are amended as follows:

Existing

2. Insurance Writes Offs

Vehicles that are categorised by insurance companies as a Category A or B write offs will not be accepted as suitable for a licence. Vehicles

that have been categorised by an insurance company as a Category C write off will not be considered suitable to be licensed unless the vehicle has first undergone a Vehicle Identity Check (VIC) inspection and had the category C classification removed.

Replace the above with:

2. Insurance Write Offs

Vehicles that are categorised by insurance companies as a Category A or B write offs will not be accepted as suitable for a licence. Vehicles that have been categorised by an insurance company as a Category C or D write off will not be considered suitable to be licensed unless the vehicle has first undergone a Roadworthy Vehicle Inspection, carried out by a suitably competent and independent vehicle engineer assessor, and a report has been produced.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

5. By implementing the recommendation of this report, the Doncaster Council Hackney Carriage and Private Hire Licensing will remain up to date and fit for purpose. The safety of the travelling public of Doncaster will not be compromised by the recommendations of this report.

BACKGROUND

6. The HC & PH Licensing Policy (the Policy) was adopted by Council on 19th January 2012. It is within the remit of the Licensing Committee to determine policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council. The Policy was last revised by the Licensing Committee on the 25th June 2015.
7. The Policy presently states driver licences are granted for 3 years and all Private Hire Operators' licences are granted for 12 months. On the 1st October 2015 statutory changes to taxi and private hire licensing law, brought about by the Deregulation Act 2015 came into effect. These changes provided Licensing Authorities with a new limited discretion on a case by case basis to reduce a driver's licence to a term of less than 3 years and a private hire operator's licence to term less than 5 years. Recommendations 4.1 and 4.2 are proposed to reflect these changes to the law.
8. The Immigration Bill contains proposals which, if enacted, mean that Licensing Authorities will need to conduct checks on applicants to ensure that they have the correct permissions in place before granting a licence. Under the plans, driver and operator licences may not be issued for a period that is longer than the length of a person's

permission to live and work in the UK. Immigration offences and penalties will also provide grounds for a Licensing Authority to revoke a licence. It will also be an offence for someone disqualified from continuing to hold a driver or operator licence for immigration reasons not to return their licence to the licensing authority. It is already the Policy of Doncaster Council to undertake immigration checks of all applicants not holding an EU passport and licences are not granted to anyone who does not have a right to work in the UK. In anticipation of the Immigration Bill being made law and the recent changes to licence duration it is considered appropriate to amend the Policy to the effect that the duration of driver and operator licences does not exceed the length of an applicant's permission to live and work in the UK. (Recommendation 4.1 and 4.2)

9. It is the Policy of Doncaster Council that vehicles that have been categorised as Category A or B write off will not be licensed. Category C insurance write offs will not be considered suitable to be licensed as a taxi or private hire vehicle unless the vehicle has first undergone a Vehicle Identity Check. Category D write offs are not currently referred to in the Policy. The DVLA and VOSA Vehicle Identity Check (VIC) scheme closed on 26th October 2015 and, as a result, the terms of our Policy in respect of Category C insurance write offs cannot be achieved. Category C and D write offs fall into the repairable salvage category and can lawfully re-appear on the road (see below). In the absence of the VIC scheme it is appropriate that safeguards are put in place to ensure that any repair work has been carried out to a safe and satisfactory standard. It is considered appropriate to amend the Policy, in particular the vehicle specifications, to require all Category C and D insurance write offs to undergo a Roadworthy Vehicle Inspection, carried out by a suitably competent and independent vehicle engineer assessor before being considered suitable to be licensed. (Recommendation 4.3)

Category C: the vehicle is repairable but the costs exceed the vehicle's value. (Can re-appear on the road)

Category D: the vehicle is repairable but repair costs are significant compared to the vehicle value – including time delays to source parts. (Can re-appear on the road)

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

10. Having a Policy that is clear and up to date in terms of the law and best practice is the keystone to an effective taxi licensing regime. For these reasons the recommendations above are considered to be the most appropriate options.

IMPACT ON THE COUNCIL'S KEY PRIORITIES

11.

	Priority	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>Working with our partners we will provide strong leadership and governance</p>	<p>None</p>

RISKS AND ASSUMPTIONS

12. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

As stated in the report, Section 10 of the Deregulation Act 2015 amends the Local Government (Miscellaneous Provisions) Act 1976 to give licensing authorities a new limited discretion to reduce the term of a driver's licence as the authority think appropriate in the circumstances of each case.

13. The Local Government (Miscellaneous Provisions) Act 1976, states that a district council may require any applicant for a licence under the Town Police Clauses Act 1847 or under part II of the 1976 of Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. The 1976 Act allows the Council to attach such conditions as may be considered reasonably necessary to the grant of a hackney carriage or private hire vehicle licence.

FINANCIAL IMPLICATIONS

14. The majority of changes to the policy proposed by this report are not expected to have significant financial implications. The main impact will be from extending the operator's licence from 12 months to 5 years, which may lead to a reduction in annual income of an estimated £7k to £13k, depending on the timing of renewals. This is in relation to an overall income budget of £344k. The reduction is expected to be managed by the service through reduced cost from administering fewer renewals; being able to redirect time to other activities generating replacement income; and by general efficiencies elsewhere. If this proves insufficient the service has some flexibility to set fees at a level whereby costs can be recovered and will address any shortfall through fees & charges budget setting or the service review process.

HUMAN RESOURCES IMPLICATIONS

15. Not applicable

TECHNOLOGY IMPLICATIONS

16. Not applicable

EQUALITY IMPLICATIONS

17. Decision makers must consider the Council's duties under the Public

Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

18. Consultation has taken place with the Transport Department with regard to vehicle specifications.

BACKGROUND PAPERS

19. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.

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