

Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Licensing and Public Safety Committee	12 March 2015

TAXI LICENCE ADMINISTRATION PROCESS AND POLICY REVIEW

PURPOSE OF REPORT

1. To advise Members of a review of the taxi licensing administrative processes and to seek approval for implementation of new policy and processes for the administration of Taxi Licences, with delegated authority to the Director of Public Protection, Streetscene and Community to make appropriate amendments to the application forms and processes should the need become evident during their implementation.

RECOMMENDATION(S)

2. Members are asked to adopt the contents of this report and approve the implementation of updated processes for the administration of Taxi Licences from 1st April 2015.
3. Members are requested to approve the policy changes summarised in Appendix 1 and the transitional arrangements identified in paragraphs 51-58. The application guidance notes and forms will replace existing guidance forms and established Taxi Licensing Policy.
4. Members are requested to approve the following process and policy changes as summarised below:
 - a) To remove the current provision to allow a change of vehicle process thereby requiring a full 6 month Vehicle Licence to be granted following the application process.
 - b) To reinstate the expiry dated Vehicle Licence Plates. Requiring expired licence Plates to be returned and a new plate issued at the time of each Vehicle Licence renewal.
 - c) To allow the proprietor to present the vehicle for the Taxi Test for a Vehicle Licence Renewal up to 14 days before the expiry of the licence date, aligning the test expiry date to the date of the Licence expiry date. Options from the trade consultation are included in paragraph 64 for the committee to consider.
 - d) To include a mandatory road test within the current taxi test.
 - e) Allow for the use of manufacturer's approved inflation kits where no spare wheel well or hanger is provided for with the construction of the vehicle.
 - f) To align the Disclosure & Barring Services (DBS) disclosure with the expiry date of the Private Hire (PH) & Hackney Carriage (HC) Driver licence and therefore require that new DBS disclosure application is made within 3 months prior to the Licence renewal date.
 - g) To require that the Group II medical forms are completed by the drivers own GP or the Doctor conducting the test confirming that medical records have been checked at

- the time of the examination and to provide their GP number and registration details.
- h) That the requirements of Group II medical check are retained, the frequency of these checks is increased to every 3 years for all drivers (up to the age of 65 and annually thereafter) in line with the duration of the HC/PH Driver Licence, this following best practice guidance published by the Department for Transport.
 - i) To retain the requirement for annual medicals after the age of 65 and also align this with the PH/ HC Driver licence expiry date
 - j) To allow a previously licensed Chorley Council PH/HC Driver, to make an application for a PH/HC Driver licence without the need for the driver to re-sit the Councils knowledge test. Options are available in paragraph 65 for the committee.
 - k) To make a distinction between PH/HC Driver licenses and badges, where the Driver has completed the DSA Disabled Access Vehicle Driver assessment, by applying the Standard Wheelchair symbol to the licence and badge. To be known as "PH / HC Disabled Access Vehicle (DAV) Driver Licence".
 - l) To give officers delegated authority to revoke and immediately grant to an existing Chorley PH / HC Driver licence to include the DAV Driver provision where the appropriate conditions have been met.
 - m) To give officers delegated authority to grant and renew upon application a PH / HC DAV Licence where the appropriate conditions have been met.
 - n) To extend the Private Hire Operator's licences from 1 year to either 3 or 5 years. Options are available in paragraph 66.
 - o) To cease sending HC & PH Driver, Vehicle, Operator Renewal Notices, including vehicle insurance, DBS, driver licence and medical reminders, and to include renewal information at the time the relevant Licence is granted.

EXECUTIVE SUMMARY OF REPORT

5. There are a number of process changes that have been identified with regard to the administration of Taxi Licences which would address some deficiencies and potential inefficiencies in the current processes and procedures and these are set out in paragraphs 6 to 33 below. These, along with the background information in paragraphs 35 to 50 provide further information and justification for the options identified in para 4 above. The Council and Taxi Trade should be mindful of any costs implications in regard to the proposed changes contained within the report. Officers have excluded any table of costs with this report, there are a number of reasons for this approach,; a) the Council has recently undertaken an extensive review of taxi fees and charges that were implemented in 2014, b) the Changes proposed are limited and do not present a negative risk to the current budget, c) to implement a costs review at this stage would not identify with any certainty any costs variants, and it would be expensive to do so, the cost of doing would likely exceed any value of the findings, d) Officers believe the proposals over the medium to long term will have a positive impact on the Councils Taxi Licensing Budget and realise improved service delivery for those accessing the service, e) Officers would recommend that a full fees review be conducted in a period of not less than 3 years should the report be accepted to allow the proposed changes to have effect, and officers to report any significant budgetary issues to Members annually. This report does not seek to affect any of the current fees and charges.

Summary of Proposals Relating to Vehicles:

6. It has been identified that there is a potential for confusion associated with the current change of vehicles process, as the vehicle test and licence expiry dates are often out of synchronisation. Where the proprietor of a vehicle wishes to change the current licensed vehicle to an alternative vehicle (once it has passed a taxi test), the existing procedure allows the current Licence to continue until the existing renewal date. This has led to some proprietors failing to renew the Vehicle Licence on time because the existing renewal date is less than the usual 6 month Vehicle Licence period, resulting in vehicles not being tested

in a timely manner and being operated without the proper vehicle safe guards being in place.

7. It is proposed to address this issue by removing the change of vehicle process, and in future an application will need to be made for a grant of a new vehicle licence. Together with the alignment of vehicle test dates to licence expiry dates, this will reduce the amount of additional administration and the potential for confusion and the likelihood of non-compliance by the proprietor associated with the current process. Consultation comments have been considered in paragraph 67.
8. Where the change of vehicle applies to a Hackney Carriage (HC) Vehicle licence the original licence number will be preserved to protect the plate for the HC vehicle proprietor. In all other cases a new Licence & Licence Plate will be issued with a New Number.
9. Presently, the Vehicle Licence Plate has no expiry date. Therefore when a Licence expires or lapses, there is no incentive for the proprietor to return the plate for a renewal. In addition, it is extremely difficult to monitor how many plates are in existence and if vehicles are driving round and illegally operating with an expired plate. This has implications for the enforcement of our Taxi Licensing and also for the public, who cannot easily check for themselves if the vehicle is lawfully licensed.
10. The proposal is to reinstate the expiry dated Vehicle Licence Plates. Expired Licence Plates must then be returned in order for a new plate to be issued at the time of each Vehicle Licence renewal. An alternative proposal was suggested during the consultation and has been outlined in paragraph 68.
11. To allow more flexibility to proprietors of vehicles, it is proposed that a vehicle can be presented for the Taxi Test for a Vehicle Licence Renewal up to 14 days before the expiry of the licence date, in a similar way to an allowance given for an MOT test. The existing licence expiry date will still be honoured and in all cases the taxi test date will be the same date as the expiry of the licence. Where a vehicle fails the taxi test the proprietor will have the option to keep the vehicle at the test centre and arrange repair on the premises or remove the vehicle to an alternate location for the necessary repairs. However, at this point should the vehicle be removed from the Testing Station the vehicle will be subject to suspension and the Licence plate will be marked accordingly, until the vehicle is re-tested and passes the taxi test. The testing station will be responsible for notifying Licensing Enforcement where the failed vehicle is to be removed from their site for repairs. An alternative option was suggested by the trade during consultation and the options are detailed in paragraph 64 for consideration.
12. During a Licensing Liaison Panel meeting. It was proposed by a Private Hire Operator to include a mandatory road test of the vehicle during the taxi test. This suggestion reaffirms concerns made by the Councils Testers that the current Taxi Test only ensures the vehicles meet a minimum standard, a compulsory road test would give the tester better opportunity to assess whether a vehicle is fit for purpose or not, it is proposed to alter the Councils Taxi Test to include a mandatory road test and for the tester to be able fail a vehicle for any Other Reasonable Cause.
13. The current vehicle conditions do not allow provision for the use of manufacturer approved inflation kits as an alternative to spare wheels. However it is appropriate to update this condition due to some manufacturers no longer providing a space for a spare tyre. Therefore failing to allow an alternative could be a barrier to the trade purchasing newer vehicles.

Summary of Proposals Relating to Driver DBS:

14. Due to the change from annual to 3 year PH/ HC Driver licences the Disclosure & Barring Service disclosures (DBS) are not always in sync with the Licence renewal, and therefore may expire part-way through a licence. This then results in the Council writing to the driver with a reminder to apply to DBS for a new disclosure.
15. The proposal is to align the DBS disclosure and Group II Medical expiry dates with the expiry date of the PH / HC Driver licence. Therefore it would be appropriate that drivers wishing to renew their PH / HC Driver licence be allowed to access the renewal process 3 months prior to the expiry of the licence, this will allow the DBS process to be accessed 3 months prior to the Licence expiry date, allowing the Council and the applicant (in normally

circumstances) sufficient time to receive current DBS disclosure prior to the expiry of the Licence. The onus will be on the driver to ensure that this is carried out. This will then negate the need to send out additional reminders and potential enforcement actions for drivers that do not renew the DBS disclosure in a timely fashion.

16. As with the existing provision, where an application for renewal is made in a timely manner, and the DBS Disclosure has been applied for but is still outstanding at the date of expiry of the driver licence, the Council will grant the licence without prejudice. Applications can be made up to 3 months prior to expiry of the licence and therefore the Council would consider that a timely application is made not later than 28 days prior to the expiry of the licence. Renewal applications made after this time will not be granted if the DBS disclosure is not available. (Timely is considered to be 28 days prior to renewal because most DBS applications take 2-4 weeks to be returned, so 28 days would normally be adequate time for the process to be completed in normal circumstances).

Summary of Proposals Relating to Driver Medicals:

17. In recent months a number of drivers have been required to undergo a Group II medical, a significant number of issues have come to our attention regarding the deficiencies of the current system;
Firstly, it is clear some drivers are having the forms completed by doctors who are not their GP and do not have access to their full medical history. The proposal is to require that the Doctor completing the Group II medical forms confirms that the applicants complete medical records have been checked at the time of the examination, that the Doctor has had unfettered access to those records and to provide their GP number and registration details for reference.
18. There are also a number of recent cases where drivers have undergone their first medical since initially receiving their HC/PH Drivers Licence because they have reached the age of 45. Officers are concerned that there is the possibility that there are a number of PH/ HC drivers that have never undertaken a Chorley Council Group II Medical. Recently conducted medicals have highlighted some serious medical conditions, which have previously gone undetected or un-reported. This has meant that drivers have been, in many cases, unaware of conditions that have in fact potentially made them ineligible to drive a passenger vehicle with or without appropriate medical treatment.
19. There have been a significant number of referrals (42 to the end of 2014 and a further 9 are pending at the time of writing including new applicants) to our Occupation Health Consultant as a result of these issues having gone undetected and unreported to the Council as they are required to be, more over there is the possibility they are untreated.
20. In some cases, there is also a lack of declaration of such conditions by drivers on the renewal application forms, which they are required to make.
21. Currently, the DVLA Group II medical assessment intervals do not synchronise with the 3 yearly PH/HC drivers licence renewal. As a result it is proposed that the requirements of Group II medical checks are retained, but that the frequency of these checks is increased to every 3 years for all drivers (up to the age of 65) in line with the renewal of the PH / HC Drivers Licence and Department of transport recommendations. On renewal the medical must be completed no more than 28 days prior to the expiry date of an existing PH / HC Driver Licence, application for a new PH / HC Driver Licence will remain unchanged (save for Wheelchair Access Vehicle (WAV) and Disabled Access vehicle (DAV) provisions).
22. The Department of Transport, Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (2010) paragraph 67 states: 'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal.'
23. To retain the requirement for annual medicals on reaching the age of 65 and also align these with the licence renewal, albeit that the medical will occur more frequently (a driver on reaching 65 or over will be required to align his driver's licence to the anniversary of his birthday and provide a satisfactory Group II medical on that anniversary thereafter to maintain the entitlement to drive).

Summary of Proposals Relating to Other Driver Licence Provisions:

24. Where a driver has previously held an PH/HC Drivers Licence, but has allowed this to lapse, the policy needs to reflect the fact that although the driver is required to apply for a new licence, the Councils accept that they have previously completed the Driving Standards Agency (DSA) drivers' assessment and knowledge test. The present policy would require the applicant to complete a new knowledge test, because it is a requirement of the grant of a new licence. This appears to be onerous, inflexible and leave the Council open to criticism.
25. There is a proposal to allow a previously Chorley licensed PH/HC driver a PH/HC drivers licence to be granted without the need for the driver to re-sit the knowledge test, as long as any previously held Chorley Council PH/HC driver licence has expired within an agreed period of the new application. Options are presented in paragraph 65 for consideration and agreement by the Members.

Summary of Proposals Relating to Disabled Access Vehicle Driver and Vehicle Provisions:

26. It is proposed to distinguish between HC/PH Driver and vehicle Licences where the Driver has additional qualifications and the vehicle meets the Disabled Access Vehicle requirements. Therefore approved and qualified drivers and vehicles will be identified as those only able to drive Wheelchair Access vehicles. This ensures that disabled passengers will receive the appropriate level of care from a fully qualified driver.
27. To require PH & HC drivers to have completed a recognised course in Equality and Diversity and wheelchair / disability handling and successfully complete the DSA Disabled Access Vehicle Driver assessment to qualify for the PH / HC DAV Driver Licence as a condition of application.
28. To restrict from driving (except those drivers appointed for the purposes of vehicle testing) any Chorley Council Licensed DAV / WAV PH or HC vehicle unless that driver has obtained a Chorley PH / HC DAV Driver Licence.
29. It is proposed to apply the wheel chair symbol to the livery and vehicle licence plate to those vehicles that meet the Councils Vehicle Conditions to be regarded as a Disabled Access Vehicle / Wheelchair accessible Vehicle.
30. To enable the proposals relating to introducing the disabled motive and conditions at paragraphs k, l, m, n, o & p above to both qualifying driver and vehicle licenses, the provisions are intended to be received in a positive light and encourage trade participation encourage the provision of DAV & WAV vehicles. It is proposed to give officers delegated authority to grant HC & PH Driver licences on application or allow a mid-term adjustment to the PH / HC Driver Licence to reflect the drivers competence when satisfied that all the requirements of the application process have been met. Currently a General Licensing Sub-Committee would need to make this decision. This would be regarded as a benefit to the driver and the grant of the licence would not affect the Licence in any other regard including the original expiry date.

Summary of Proposals Relating to Private Hire Operators Licences:

31. Existing Private Hire Operator's (PHO) licences are valid for a period of 1 year. The Department for Transport considers that annual renewals are too frequent and that Councils should consider extending the licence to up to 5 years.
32. Following discussion with the trade, a concern was raised regarding the 5 year period being a potential barrier to new smaller operators, because of the commitment and a suggestion was also made regarding declarations for criminal convictions, resulting in further consideration being given to this proposal. Options for the committee to consider are set out in paragraph 66.

Summary of Other Proposals:

33. To cease sending HC & PH Driver, Vehicle, Operator Renewal Notices, including vehicle insurance, DBS, driver licence and medical reminders, and to include renewal information at the time the relevant Licence is granted.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

34. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	√
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

35. It was agreed by the Licensing and Public Safety Committee on 23 July 2014 that officers would undertake a review of the Taxi licensing processes. There have been a number of cases brought before the sub-committee and the chair for consideration, where it has been identified a change in process and procedure may well have avoided such issues. The matter was also discussed at the Licensing Liaison Panel.
36. Officers have considered all the processes undertaken with regard to the taxi licensing functions and identified a number of proposals to streamline the existing procedures, including changes to the forms, administration and processing of licences and some policy changes that will align the expiry dates of medicals, DBS disclosure and taxi tests with the licence expiry . Thereby reducing the potential for confusion, misunderstanding and error for the drivers, operators, vehicle proprietors and the transactional team.
37. Consequently this will reduce the likelihood and necessity for enforcement relating to such anomalies, the proposals seek to avoid these issues occurring, our enforcement efforts can therefore be better directed to proactive campaigns and partnership working.
38. The proposed changes will assist in addressing concerns raised by the trade with regard to waiting times, repeat visits and lack of expertise in the one stop shop, which are criticisms that have been raised at a number of Licensing Liaison Panels.
39. Draft application forms, checklists and guidance notes are appended to this report (Appendix 6 -19) to assist members and the trade in visualising the way the processes are proposed to be administered in the future. These documents have yet to be tested by the transactional team and therefore may be subject to some minor variation and amendment as required to make them fit for purpose.
40. The draft forms are designed to ensure that the requirements for each licence are clear and enable customer service staff to process the applications more efficiently by use of a checklist system. This should also reduce the number of queries that need to be passed to the back office for clarification and confirmation, another concern raised by the trade as a cause of frustration and delay.

Background Information Relating to Vehicle Proposals

41. Where a new vehicle licence is required and relates to a HC vehicle, the Council will only recognise such applications from existing HC vehicle proprietors whose details appear on the Council's register. As the Council restricts the Number Hackney Carriage Vehicle Licenses it issues to 36. In such circumstances any application received shall be made in the name of all the registered proprietors for that vehicle. In the case of an existing wheel chair accessible

Disabled Access Vehicle (DAV) only another DAV vehicle will be considered in accordance with the Council's HC Vehicle licensing conditions of application. In these cases the original licence number will be preserved to protect the plate for the HC vehicle proprietor. Where a vehicle is presented on behalf of an existing HCV proprietor by a company whose business it is to provide relief taxi vehicles (such a company shall be a company recorded at companies house and be of limited status), the application shall reflect the registered keeper details given in the V5 document alongside the original proprietors.

42. Hackney Carriage and Private Hire Driver Licences are granted for a 3 year period, part of the requirement for any new driver application or the renewal of one of these Driver Licences is an up to date Disclosure and Barring Service (DBS) disclosure (formerly the CRB). These DBS disclosure must originate through the Chorley Council umbrella provisions as authorised by the DBS, following this an electronic DBS update will be accepted where officers are satisfied that any electronic versions fulfil the required standards of the enhanced disclosure provisions.

Background Information Relating to Driver DBS and Medical Proposals

43. The DBS Disclosure is only valid for the application for which it is presented and therefore is not transferable to any other application. DBS disclosure information is not held by the Council and therefore will only be used for the purpose of the particular application and associated administration, which may include committee reports.
44. Currently, drivers applying for a new Hackney Carriage&/or Private Hire Drivers Licence are required to undergo a medical. This is based on a DVLA Group II medical and is required by all commercial drivers, such as HGV and passenger vehicle drivers. The DVLA guidelines for Group II medicals are that these checks are made on entry to the profession and then at the age of 45 and every 5 years after this until the driver is 65, then the frequency is increased to annual medicals.
45. The Group II check requires the driver's GP to complete a form to identify any medical conditions that may prevent the applicant from safely being in charge of a passenger/commercial vehicle.

Background Information relating to DAV Drivers and Vehicles Proposals

46. A number of enquiries have been received in relation to Disabled Access Vehicles, both from the trade and the public. The proposal to further identify such vehicles and drivers using an alternative vehicle plate and drivers badge will assist the public in identifying appropriate services for those requiring Disabled Access Vehicles by attaching the Wheel chair motive to vehicles and driver badges.

Background Information relating to Other Proposals

47. Members will note there are some associated policy changes relating to the proposed process review and a list of these changes is also appended for approval.
48. Officers have informally made enquiries with other Local Authorities with regard to the frequency of medicals, timing of DBS checks and whether vehicle plates still have and will continue to have expiry dates because of the proposals made in this report. A summary of results are attached in Appendix 5.
49. The administrative costs and resources required to send Driver and Vehicle Renewals has been calculated as the equivalent of approximately 12 working days per year within the Transactional Team plus the costs of printing and postage. It is difficult to estimate the specific costs associated with this exercise due to the varying number of renewals (vehicle and drivers) and reminders (DBS, medical, insurance etc) from one month to the next. We currently licence 298 drivers, 153 vehicles and 14 operators, who are all subject to regular reminders and renewal letters.
50. Anecdotal evidence suggests that when an applicant has failed to renew in a timely manner, the first reason given is that they have not received the renewal. The proposals seek to address this, by providing the applicant with the renewal information at the time the licence is granted.

TRANSITIONAL ARRANGEMENTS COMMENCING 1ST APRIL 2015

51. It is proposed that the changes that affect the renewal of vehicle licences are implemented at the next licence renewal. Therefore, the maximum period of 6 months will elapse before all the new administrative and policy changes will be effective.
52. The Council will continue to send out renewal notifications, without obligation, until all vehicles have been licenced under the new regime.
53. The transitional arrangements for the driver renewals incorporating the new requirements are more complex because the licence has a 3 year duration and the current situation means that medicals and DBS checks do not currently align with this renewal date.
54. Where an existing DBS expires mid-licence, the Council will not request a full DBS check at this time and will allow the driver to continue to hold their current licence until the licence renewal date, as long as an interim declaration form is completed within 28 days of the DBS expiry. If the driver fails to return the interim declaration then a full DBS check will be required and officers will seek suspension / revocation of the Licence if this requirement is not then met.
55. All drivers will continue to be reminded of their renewal by letter until all licence holders have been affected by the new policy.
56. The requirement for the licence holder to advise the Council of any convictions or medical conditions which arise during the course of the licence remain unchanged.
57. The existing policy has an age criterion for medicals; this requires a medical every 5 years from the age of 45 up to 65, then annually thereafter. These age triggers for medicals remain in place until all drivers become subject to the new regime. Therefore, if a driver reaches age 45, 50, 55, 60 or 65 during the course of an existing licence (issued prior to the introduction of the new provisions) then a medical will be required at that time. At renewal the new provisions will apply and a further medical will be required as part of the renewal process.
58. Options will be given to any driver in this situation to apply for a full renewal at any time prior to the expiry of their existing licence as appropriate.

CONSULTATION

59. There is no statutory requirement to carry out a consultation with regard to the proposed changes. However, Officers have sought to consult the trade on the proposals.
60. The consultation was open from 22 December 2014 until 1st February 2015. All drivers, vehicle proprietors and Private Hire Operators were contacted (215 invitations to make representations in total). The consultation letter is attached in Appendix 2.
61. The minutes of the Licensing Liaison Panel held on 12 January 2015 are included as part of the consultation response and are attached in Appendix 3. There are a number of actions and options that have been incorporated into the report as a result of the discussions at this meeting. 15 members of the trade attended this meeting.
62. The two emails received during the consultation period are attached in Appendix 4. There have been no other written consultation responses.
63. Members are provided with consultation comments, options and considerations in paragraphs 64- 69 below.

ADDITIONAL OPTIONS IDENTIFIED AS PART OF THE CONSULTATION

64. An alternative option was presented during the consultation by the trade for proposal c) relating to vehicle testing periods. The committee are asked to consider the following options:

Option 1- agree proposal c) which would allow the vehicle to be presented for taxi test up to 14 days prior to the renewal date, still honouring the renewal date.

Option 2- agree the trade representatives suggested that vehicles could be presented for the taxi test up to 28 days prior to the renewal date, to reflect the same periods provided by the MOT and allow more time and flexibility in seeking any necessary repairs.

Members are requested to agree on either option 1 or 2 above.

65. The proposal to allow previously licensed drivers to be given a dispensation and allowed to reapply for a licence without having to re-take the knowledge test was proposed. Following consultation with the trade two options for the time period that this dispensation would last were tabled:

Option 1- allow the driver 5 years to return to the trade from the lapse of his previous licence- original suggestion by officers

Option 2- allow the driver 3 years to return to the trade from the lapse of his previous licence- suggestion made by trade representative.

Members are requested to agree on either option 1 or 2 above.

66. The original proposal was to make Private Hire Operator's (PHO) licences valid for a period of 5 years, reflecting central government guidance. Following consultation with the trade, a concern was raised regarding this period being a potential barrier to new smaller operators, because of the commitment and a suggestion was also made regarding declarations for criminal convictions, resulting in further consideration being given to this proposal.

Option 1- agree the proposed 5 year PHO licence and condition that any changes, including any criminal convictions are reported to the Council within 7 days, failure to do so would result in enforcement action, including suspension and an application to sub-committee for revocation of the PHO licence. This puts the onus and responsibility clearly on the operator.

Option 2- agree the proposed 5 year PHO licence and condition that any changes, including any criminal convictions are reported to the Council within 7 days AND require an annual declaration to be made by the operator in relation to criminal convictions and any other changes pertinent to the PHO licence. A statutory declaration would be made under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 and any false information could result in prosecution. This would not negate the condition to report such matters within 7 days or avoid enforcement action where this is not done. This option would have administrative and cost implications for the Council in sending out and then recording and chasing up the annual declarations.

Option 3- to adopt the extension of the PHO licence from 1 to 3 years and condition that any changes, including any criminal convictions are reported to the Council within 7 days AND in addition, include a Basic DBS Disclosure requirement within the revised PHO application process to provide a degree of confidence about the operator being fit and proper. The Private Hire Operator can only be subject to a basic DBS and is not exempt in respect of the Rehabilitation of Offenders Act 1974. Therefore the basic DBS would need to be aligned with the licence renewal and of sufficient frequency to guarantee that all relevant offences appeared to ensure that the checks were meaningful, 3 years is considered an appropriate period to satisfy this.

Members are requested to agree on either option 1, 2 or 3 above.

ADDITIONAL CONSULTATION COMMENTS RAISED AND CONSIDERED

67. The consultation raised concerns about the costs of the proposal to remove the change of vehicle process and a suggestion regarding refunds was proposed by the trade.

The existing change of vehicle is subject to similar costs of granting a new vehicle licence, the process is almost identical and the difference in fees between an application to change a vehicle compared to an application to grant a new vehicle licence is only £4.96 and £4.97

for PH and HC vehicles respectively. Consequently, to change a vehicle mid-licence, even within a month of the original issue date, is not economic for proprietors.

There are no provisions within the existing policy for refunds to be made.

The trade requested a consideration for refunds as part of the consultation. Therefore the suggestion is to charge the applicant for the grant of the new vehicle licence in full and provide a pro-rata refund for any outstanding time left on the old vehicle licence, excluding an administration charge.

This suggestion has been considered, but it is not supported by the cost analysis carried out in 2014. It undermines the fees and charges agreed by the Committee in July 2014 because the fees are derived from the costs of processing and issuing the licence, not the length of time the licence exists. Therefore, this proposal has been rejected as it does not conform to the agreed fees and charges scheme, which is based on the costs of issuing the licence.

68. An alternative suggestion was made during the consultation by the trade for proposal b) relating to reinstating the expiring date on the vehicle plates. The alternative idea was for the committee to set a figure as a deposit on the plates, so that when the plate expires and is not going to be renewed, then there is an incentive to return the plate to the Council to receive the deposit back.

This alternative proposal has been given due consideration, however, it does not address the matter of existing unreturned plates, nor will it aid monitoring authorities to quickly ascertain the legitimacy of a plated vehicle.

The deposit would need to be set sufficiently high to warrant its return. Members would need to decide an appropriate figure, but an additional cost to the trade at the point of granting of a new vehicle licence may be a barrier to applicants. This proposal could also potentially create a black market in vehicles with expired plates because the rewards of running an unlicensed plated vehicle would exceed any deposit.

Appendix 5 provides information relating to other local authorities who have expiry dates on their vehicle plates and their intentions for retaining this provision.

Therefore this proposal has been rejected due to the risks of unlicensed vehicles being run using undated plates and the difficulty in setting a deposit for the plate that will be of sufficient level to incentivise return but low enough not to be a barrier to new vehicles entering the trade.

69. The consultation raised a suggestion that up to the age of 45 drivers could be subject to medicals at 6 yearly intervals, rather than every 3 years.

This alternative does not follow the Department of Transport guidelines, which recommend that medicals are carried out at each renewal. At the time this guidance was written PH & HC driver licences were subject to annual renewals. Therefore the proposals in this report are less onerous because Chorley has already moved to 3 year licences.

There are also concerns relating to the administration of a different renewal process for drivers under 45. This proposal does not address the issue regarding streamlining and synchronising of the renewal process, nor would it provide the robust medical screening that this report seeks in order to address the health issues of drivers that have recently come to light. Therefore this proposal has been rejected.

IMPLICATIONS OF REPORT

70. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	√	Customer Services	
Human Resources		Equality and Diversity	
Legal	√	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

71. A full fee review was carried out and implemented in 2014 and as such the fees reflect the current cost of the service. Therefore any streamlining of processes and reduction in administration costs will need to be reflected in the next fee review.
72. As reported in paragraph 67 charges are reflective of the cost of administration and issue not the duration that the licence is held for. As such refunds in relation to a change of vehicle are not currently provided for within the fee structure and would be provided at a cost to the council.

COMMENTS OF THE MONITORING OFFICER

73. Many of the proposed changes relate to the application by the Council of the fit and proper test in relation to private hire and hackney carriage drivers. It is reasonable both from the point of view of the trade and the Council that these checks are carried out without undue administration and bureaucracy.
74. It is also legitimate for the Council to eliminate over time the anomalies identified in the time cycle of medical and DBS checks.
75. Proposed changes such as those relating to Group II medicals to be signed off by the applicant's GP fall within the Council's duty to licence only those applicants who are fit and proper.
76. The proposals follow a non-statutory voluntary consultation with the trade which demonstrates that the Council has taken into account the impact on the taxi trade.
77. Under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may not licence a private hire vehicle unless it is satisfied that the vehicle is safe, comfortable, and suitable for use as a private hire vehicle and in a suitable mechanical condition. The Council can attach conditions which are reasonably necessary to a private hire vehicle licence under Section 48. Conditions which are reasonably necessary can be attached to a hackney carriage vehicle licence under Section 47 of the 1976 Act. The Council has the power under Section 50(1) of the 1976 Act to require that the owner of a private hire vehicle or hackney carriage presents the vehicle for inspection and testing at a location specified by the Council within the Council's area. This is limited to three occasions per year. Failure to present vehicles without reasonable excuse is an offence.

JAMIE CARSON
DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Lesley Miller	5299	26/2/15	LPSC/2/3/15/LM1