

Report of	Meeting	Date
Director of Early Intervention	Licensing and Public Safety Committee	21 Sept 2016

## CONSULTATION ON CONSOLIDATED TAXI LICENSING POLICY

### PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to consider the proposal for a consolidated Taxi Licensing Policy and the consultation of the draft document.

### RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee determine to consult on the proposed Draft Hackney Carriage and Private Hire Licensing Policy.
3. That the results and responses from the consultation are reported back to the Licensing and Public Safety Committee.
4. That the Licensing and Public Safety Committee determine the proposals and options for implementing and the timetable for review of the policy following the reporting of the consultation.

### EXECUTIVE SUMMARY OF REPORT

5. Chorley Council is responsible for Taxi Licensing within the provisions of the Local Government (Miscellaneous Provisions) Act 1976, in this document to be referred to as 'The Act'.
6. Additional provisions in relation to Hackney Carriage Vehicles are present within the Town and Police Clauses Act 1847.
7. Taxi licensing legislation is limited and most functions and decisions with regard to Taxi Licensing refer to policy decisions made by the Council.
8. Chorley Council's Licensing and Public Safety Committee are responsible for making these policy decisions, which provides a framework for how the Council will process, administer, enforce and charge fees for Taxi Licensing.
9. Policy decisions are held within committee reports and the purpose of a consolidated Hackney Carriage and Private Hire Licensing Policy is to make those policy decisions easily accessible to promote efficiency and consistency in the Council's licensing functions.
10. The draft Hackney Carriage and Private Hire Licensing Policy (**Appendix 1**) consolidates all previous Taxi Licensing policies with the addition of a very few proposals that are detailed below in paragraphs 19 to 22.
11. Therefore, the Licensing and Public Safety Committee has already carefully considered and made decisions on the details of each of the policies at previous committees.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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## CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

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

## BACKGROUND

13. The Licensing and Public Safety Committee has already carefully considered and made decisions on the details of each of the policies at previous committees, therefore the proposed Policy simply consolidates those decisions into one document with the exception of a few changes, the explanation for which is below.
14. There are a number of incomplete driver applications that cannot be determined, the application form was amended in March 2015 with agreement from the Licensing and Public Safety Committee to give a nominal 2 month period in which to complete a driver application. However, the policy does not fully reflect the need for that application to be rejected after this time period where the applicant continues to fail to provide the necessary application pre-requisites. Therefore this has been included in the proposed additions.
15. Proposed wording has been added to cover the issue of the expiry of the Right to Work/Visa where this occurs prior to the normal licence period (3 years) to allow for the licence to be issued for a shorter period and then extended where an updated Visa is presented.
16. The Disclosure and Barring Service require any authorised organisation to undertake a minimum number of checks per year and where an authority falls below this threshold the authorisations will be revoked. Because Chorley Council only just meet the threshold, in order to protect the policy from future changes, were the DBS authorisation for Chorley Council to be revoked, the policy now allows for the Council to contract those services through an outside organisation.
17. A number of companies that can carry out DBS checks offer an electronic service where very quickly they can confirm whether there are any changes to the most recent DBS certificate. This allows the Council to quickly determine if a licence can be issued in the absence of a full DBS certificate, which may save time for some applicants, as a full DBS can take 3-4 weeks to process. Chorley want to have the flexibility to be able to offer this type of service in the future, and therefore want the policy to reflect the fact that those options are available.

## ADDITIONAL POLICY PROPOSALS

18. The following policy additions are proposed for inclusion in the draft Hackney Carriage and Private Hire Licensing Policy prior to consultation.
19. Where an incomplete driver application has been received, due to the absence of one or more of the pre-requisites, the application will be rejected following a period of 2 months from receipt of the application. The applicant will be notified in writing and will be entitled to a refund of the application fee, minus any costs incurred to the Council, charges from outside agencies and the standard administration fee. The applicant will be responsible for contacting the Council and providing the necessary details for a refund.
20. Where the Right to Work does not extend for the length of the driver licence at the time of issue (3 years), then the licence will only be granted up to the date of the expiry of the visa. Once the licence holder is able to provide satisfactory evidence of a renewed Right to Work and Reside Visa, then the licence will be extended to the natural termination date, or again until the expiry of the latest visa, whichever is the shorter period. There will be no additional fee to the licence holder for the extension to a licence initially issued for a shorter period

than the usual duration of 3 years. However, where the visa is not extended, no refund will be made in relation to the licence, as all fees relate to the administration and issue of the original licence, not the duration for which the licence can be used.

21. DBS checks must originate through the Chorley Council **or through a company contracted by the Council to carry out this check**, as authorised by the DBS, thereafter an electronic DBS update will be accepted.
22. Applicants may be given the option to pay an additional fee for a quick electronic check, which will identify if there are any changes since the previous DBS. Where no changes are identified the licence may be issued without sight of the full DBS certificate. Where changes are identified then no licence will be granted until the full DBS certificate has been provided to the Council.

### IMPLICATIONS OF REPORT

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

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

### COMMENTS OF THE MONITORING OFFICER

24. There is no statutory requirement to maintain an overarching policy on taxi licensing and no national guidance to that effect. However a comprehensive written policy will assist in promoting consistency and fairness in decisions. It is also a useful resource for officers to refer to in the absence of the Lead Licensing and Enforcement Officer and should assist in succession planning.
25. There is no statutory requirement to review the policy but it is good practice to keep it under periodic review in the light of changes in legislation, relevant case law and any national guidance.
26. The policy is not rigid and officers and members are not obliged to follow it. However the Council should have good reason to depart from the policy.

JAMIE CARSON  
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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