

Decision of the Director of Prevention and Protection

Tuesday 31st March 2020

Present: Neil Cox – Director of Prevention and Protection
Surjit Tour - Democratic Services

Officers: Nicola Plant – Service Manager Regulated Services and Transformation

Declarations of Interest

No declaration of interest were made.

Variations to the Private Hire and Hackney Carriage Licensing Policy

Decision:

1. That approval is given to proposed temporary variations to the Private Hire and Hackney Carriage Licensing Policy as detailed in Appendix 1 so as to enable:-
 - The delivery model for Child Sexual Exploitation and Safeguarding Training to be changed from 'face to face' to online with a self declaration on completion
 - Timescales for medical assessments and alternative methods for securing assurance on medical fitness to drive to be permitted with a monthly review.
 - MOT renewal dates to be extended in line with the Department of Transport permitting 6 month extensions to MOTs with renewal dates from 30 March 2020.
 - Extension of expiry dates for interim vehicle checks by three months
 - Suspension of the requirement for licence holders on renewal to display plates with valid dates subject to the issue of an exemption document that confirms renewal requirements have been met.
2. That where appropriate and/or necessary to address the impact and implications of Covid-19, approval is given to the deferment of payment of licensing fees
3. That the above-mentioned approval of temporary variations to the Private Hire and Hackney Carriage Licensing Policy and authority to defer payment of licensing fees shall continue until 31 December 2020 unless otherwise revoked by the Director of Prevention and Protection or Licensing Committee.



Reason for Decision

As the council and other organisations continue to develop their response to the Covid-19 outbreak many non-essential services are ceasing or becoming subject to restrictive access. This includes services that drivers need to fulfil the requirements of the councils Private Hire and Hackney Carriage Licensing Policy.

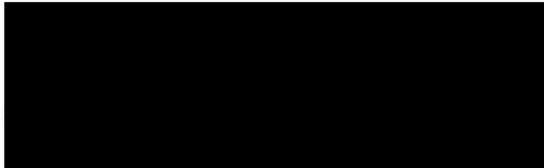
It is therefore proposed that variations are made to the requirements under the current policy to maximise the potential for taxi drivers to continue working and to reduce the risk to drivers and council officers by reducing the need for face to face contact.

Alternatives considered and discounted

The council, as the Licensing Authority continues to operate the taxi licensing service as one of our critical services during the Covid-19 outbreak to minimise the impact on drivers ability to work and to maintain access to taxis as a means of transport for those who need it. The option to cease licensing activity was therefore not considered a suitable option.

Other alternative options have not been identified at this time. This position has been reached due to the timeliness in which a solution is needed and the ability to implement given the limited resources available to the Licensing authority and providers.

Signature



Director of Prevention and Protection

Date Decision 31st March 2020

Delegated Decision Report

Report Title:	Variations to the Private Hire and Hackney Carriage Licensing Policy
Decision to be taken by	Neil Cox Director of Prevention and Protection
Lead Director:	Neil Cox – Director of Prevention and Protection
Date of Decision	31 March 2020
Contribution towards Vision 2030:	
Key Decision:	No
Reason for Urgency/Special Urgency:	Relevant policies need to be amended to enable the continuation of services. The Covid-19 outbreak is either preventing or reducing the ability of Private Hire and Hackney Carriage drivers to meet the requirements of the Private Hire and Hackney Carriage Licensing Policy.
Exempt Information Ref:	
Scrutiny Consultation	None required. Consultation with the Licensing Committee has been undertaken
Lead Officer:	Nicola Plant – Service Manager Regulated Services and Transformation

DECISION RECOMMENDATIONS

1. That approval is given to proposed temporary variations to the Private Hire and Hackney Carriage Licensing Policy as detailed in Appendix 1 so as to enable:-
 - The delivery model for Child Sexual Exploitation and Safeguarding Training to be changed from ‘face to face’ to online with a self declaration on completion

- Timescales for medical assessments and alternative methods for securing assurance on medical fitness to drive to be permitted with a monthly review.
 - MOT renewal dates to be extended in line with the Department of Transport permitting 6 month extensions to MOTs with renewal dates from 30 March 2020.
 - Extension of expiry dates for interim vehicle checks by three months
 - Suspension of the requirement for licence holders on renewal to display plates with valid dates subject to the issue of an exemption document that confirms renewal requirements have been met.
2. That where appropriate and/or necessary to address the impact and implications of Covid-19, approval is given to the deferment of payment of licensing fees
 3. That the above-mentioned approval of temporary variations to the Private Hire and Hackney Carriage Licensing Policy and authority to defer payment of licensing fees shall continue until 31 December 2020 unless otherwise revoked by the Director of Prevention and Protection or Licensing Committee.

1 REASONS FOR THE RECOMMENDATIONS

- 1.1 As the council and other organisations continue to develop their response to the Covid-19 outbreak many non-essential services are ceasing or becoming subject to restrictive access. This includes services that drivers need to fulfil the requirements of the councils Private Hire and Hackney Carriage Licensing Policy.
- 1.2 It is therefore proposed that variations are made to the requirements under the current policy to maximise the potential for taxi drivers to continue working and to reduce the risk to drivers and council officers by reducing the need for face to face contact.

2 ALTERNATIVE OPTIONS

- 2.1 The council, as the Licensing Authority continues to operate the taxi licensing service as one of our critical services during the Covid-19 outbreak to minimise the impact on drivers ability to work and to maintain access to taxis as a means of transport for those who need it. The option to cease licensing activity was therefore not considered a suitable option.

- 2.2 Other alternative options have not been identified at this time. This position has been reached due to the timeliness in which a solution is needed and the ability to implement given the limited resources available to the Licensing authority and providers.

3 PURPOSE OF THE REPORT

- 3.1 To seek approval to implement, as an interim position, variations to the current Private Hire and Hackney Carriage Licensing Policy as detailed in Appendix 1, to maximise the potential for taxi drivers to continue working and to reduce the risk to drivers and council officers by reducing the need for face to face contact.

4 IMPLICATIONS FOR VISION 2030

- 4.1 The proposed amendments in this report are a response to developing situation with Covid-19 whilst taking full consideration of the responsibility the licensing authority to protect the public and recognition of the role private hire vehicles have in local transport provision.
- 4.3 On this basis the proposed temporary policy amendments relate to the achievement of ambition 5 of Vision 2030 which reads: “Our communities are built on respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.”

5 BACKGROUND AND MAIN CONSIDERATIONS

- 5.1 The aim of local authority licensing of private hire and Hackney Carriage drivers is to protect the public and the requirements for this are set out in the councils Private Hire and Hackney Carriage Licensing Policy.
- 5.3 As the council and other organisations continue to develop their response to the Covid-19 outbreak many non-essential services are ceasing or becoming subject to restrictive access. This includes services that drivers need to fulfil the requirements of the councils Private Hire and Hackney Carriage Licensing Policy.
- 5.4 The proposed amendments in this report are made in response to developing situation with Coronavirus whilst taking full consideration of the responsibility the licensing authority has to protect the public and recognition of the role private hire vehicles have in local transport provision.

5.4 All amendments will be done in a way to reduce detriment to the trade, maintain public safety and reduce risks to council staff by minimising the need for face to face appointments.

6 THE CURRENT POSITION

6.1 The requirements for the licensing of private hire vehicles and Hackney Carriage drivers are set out in the councils Private Hire and Hackney Carriage Licensing Policy.

6.2 In response to the Covid-19 outbreak variations to this policy are proposed that will:-

- Change the delivery model for Child Sexual Exploitation and Safeguarding Training from 'face to face' to online with a self declaration on completion
- Adjust the timescales for medical assessments and permit alternative methods for securing assurance on medical fitness to drive with a monthly review.
- Extend MOT renewal dates in line with the Department of Transport permitting 6 month extensions to MOTs with renewal dates from 30 March 2020.
- Extend expiry dates for interim vehicle checks by three months
- Suspend of the requirement for licence holders on renewal to display plates with valid dates subject to the issue of an exemption document that confirms renewal requirements have been met.
- Minimise the requirement for face to face contact in the conduct of business between drivers and the Licensing Office.

6.3 Full detail of variations is provided in Appendix 1 to this report.

6.4 It is also proposed that payment of licensing fees may be deferred if necessary.

6.5 This approach to managing the councils need to vary requirements of the Private Hire and Hackney Carriage Licensing Policy during the Covid-19 outbreak was agreed at the Emergency Committee on 25 March 2020.

6.6 Any variations will be kept under review until guidance from Central Government and Public Health England changes to allow services to resume to business as usual.

7 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 7.1 Due to the urgent nature of the changes required consultation with the trade has not been undertaken.
- 7.2 Consultation with the members of Licensing Committee has been undertaken and their comments have been taken into account.

8 STRATEGIC RESOURCE IMPLICATIONS

- 8.1 The proposed variations may impact on the projected income for the licensing service. This will be incorporated into the financial assessment of the impact of Corvid-19 on the council that is being undertaken by corporate finance.

9 LEGAL AND GOVERNANCE CONSIDERATIONS

- 9.1 Taxi and Private Hire Vehicle (PHV) legislation is primarily concentrated in the Town Police Clauses Act 1847 (the 1847 Act) and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). The legislation provides a broad framework for the licensing of drivers, vehicles and operators but the detail of how this is done, including standards and conditions, is the responsibility of individual councils.
- 9.2 The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authority needs to be sure that each of their various licensing requirements is in proportion to the risk it aims to address.
- 9.3 The proposed amendments in this report are a response to developing situation with Coronavirus whilst taking full consideration of the responsibility the licensing authority has to protect the public.
- 9.5 The proposed amendments in this report are permitted within the legislative framework.

10 EQUALITY IMPACT ASSESSMENT

- 10,1 There are no direct issues or implications relating to equality

11 DATA PROTECTION IMPACT ASSESSMENT

- 11.1 There are no direct issues or implications relating specifically to data protection.

12 CRIME AND DISORDER AND RISK ASSESSMENT

- 12.1 Consideration has been given to the risks associated with the proposed variation to policy, however, no significant risks have been identified.
- 12.2 The aim of the licensing authority is to protect the public and the proposed amendments within this report are responding to current changes as a result of the developing situation with Coronavirus whilst fulfilling the aim of protection of the public.

13 SUSTAINABILITY OF PROPOSALS

- 13.1 There are no issues identified in relation to the sustainability of the proposals within this report. The proposals are made in response to the current Covid-19 outbreak.
- 13.2 Any variations will be kept under review until guidance from Central Government and Public Health England changes to allow services to resume to business as usual

14 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 14.1 The proposed amendments in this report are a response to developing situation with Covid-19 whilst taking full consideration of the responsibility the licensing authority has to protect the public using taxi and PHV services and to the drivers of taxis and PHV's.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 15.1 The proposals within this report do not impact on any council managed property or land.

16 BACKGROUND PAPERS

None

17 APPENDICES:

Appendix 1: Proposed Variations to the Private Hire and Hackney Carriage Licensing Policy

APPENDIX 1

Temporary Variations to Private Hire and Hackney Carriage Licensing Policy

In response to the Covid-19 outbreak the following temporary variations have been made to the policy. These shall remain in force but under regular review until the guidance from Central Government and Public Health England changes to allow business to return to normal.

The details of the variations are provided below, all other requirements of the policy remain in force.

New Requirement

Drivers have been instructed to stringently follow all Government advice on coronavirus and prioritise infection control at all times. This includes stopping work immediately if developing symptoms and self-isolating at home. It also includes practising social distancing and hand / respiratory hygiene at all other times to reduce their risk of infection. Private Hire Licence holders should inform their Operator if they are self-isolating and unavailable for work due to symptoms. Operators will be required to provide information on the number of drivers unable to work for these reasons. Hackney Carriage licence holders should inform the Licensing Office.

2.8 Child Sexual Exploitation (CSE) Awareness and safeguarding Training

The appointed provider for CSE & Safeguarding Training shall be the council's e-learning programme and a signed declaration will be required to confirm this has been undertaken by the applicant/licence holder without assistance.

As the training will be undertaken 'online' there will be no scheduled appointment or fee for non attendance however failure to complete the training and provide the signed declaration may result in a licence holder's licence being suspended until such time as they successfully complete the required training

On resumption of face-to-face training, a licence holder must undertake this training within 3 months of notification in writing by Sandwell Council. Failure to attend a scheduled appointment may result in a licence holders licence being suspended until such time as they successfully complete the required training.

2.3 Medical Examination

Medical examinations are suspended. The Licensing Authority may extend the renewal date for a medical examination by one month subject to a signed self declaration confirming that the licence holder:-

- Has had no changes to any existing medical condition or medication since their last examination,
- Has no new medical condition to declare,
- Has had no hospitalisation for declared or new medical conditions in the last 12 months.
- That the licence holder is not under any medical investigation for a medical condition that would need to be declared
- Is able to meet the minimum eyesight requirement for driving (with glasses or corrective lenses if required).

This will be reviewed on a monthly basis.

If the licence holder is unable to fulfil the requirements of the declaration, a Group 2 medical certification from a registered GMC registered Doctor will be accepted.

Upon resumption of medical examinations by the Council approved provider the licenced driver will be issued with an appointment and will be required to attend for medical examination. Failure to attend may result in a licence holders licence being suspended.

If a licence holder has provided a Group 2 medical certification from a registered GMC registered Doctor which incurred a fee, they may still be required to attend an examination by the council approved provider however the fee for this second examination would be paid by the council.

3.5 Vehicle Testing

With effect from 30/03/2020, the Department for Transport (DfT) has extended MOT's for cars, vans and motorcycles for a period of 6 months. This will continue until confirmed otherwise by the DfT.

Vehicles must be kept in a roadworthy condition and drivers should note that they can be prosecuted if they drive an unsafe vehicle

Licensed drivers should ensure they continue to meet the requirement of the taxi test with respect to items such as the general condition of the vehicle both in terms of the vehicles bodywork and interior condition, possible accident damage and the examination of items such as the first aid kit and fire extinguisher.

Interim Vehicle Check

The requirement for an Interim Safety Check will be extended for a period of 3 months unless the extension takes the vehicle beyond the MOT renewal date (taking account of the DfT 6 month extension period) in which case the MOT and full test would be required.

3.16 Licence Conditions Applicable to Private Hire Vehicle Holders

Drivers are still required to follow the policy for renewing their licence however licence renewals will include an exemption to the requirement that plates displayed are in date. An exemption document will be provided that must be carried by the driver at all times whilst driving the vehicle and must be produced to a Passenger, Police Officer or Authorised Officer of the Council upon request. Internal and external plates must continue to be displayed in the approved manner even if they have expired.

On resumption of normal service by the licensing office arrangements will be made for plates with valid dates to be collected. These must be collected in the timescale set by the licensing office. Failure to do this may result in a licence holders licence being suspended.

Cleanliness of Vehicles

Within the policy there are requirements for vehicles to be 'clean'. At this time clean includes complying with Government and Public Health advice to frequently clean and disinfect objects and surfaces that are touched regularly, using standard cleaning products. The guidance can be found at <https://www.gov.uk/government/publications/covid-19-guidance-for-staff-in-the-transport-sector/covid-19-guidance-for-staff-in-the-transport-sector>

Attendance at Licensing Office and Submission of Documents

Within the policy there are requirements to attend or present documents in person at the Licensing Office. Processes are being reviewed to minimise the requirement to attend the office and this may include submission of documents via email and video calls. Any documents submitted electronically will be required to be verified within a timescale set by the licensing office once business returns to usual.

Any required attendance at the office will be by appointment only.

Drivers should check the website <http://www.sandwell.gov.uk/taxi> to check for any changes to requirements for document submissions and attendance at the Licensing Office.