

11 August 2020

Report of	Licensing, Food and Safety Manager	Author	Jon Ruder ☎ 282840
Title	Hackney Carriage and Private Hire Licensing Policy // Removal of administration processes from the Policy		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The report seeks approval to remove from the Council's Hackney Carriage and Private Hire Policy, the purely administrative processes associated with the discharge of the Council's statutory functions.
- 1.2 Approval is also sought to amend the provisions in relation to medicals, to enable further suppliers who meet the Council's requirements in relation to the provision of Group 2 medicals to be included on the Council's approved list; and to make temporary changes to the requirement for vehicles to have a mid-year test.
- 1.3 These changes are required as a matter of urgency to enable the Council to start to process the backlog of renewal applications for both driver and vehicle licences. This will ensure the Council continues to meet its statutory duty under the relevant legislation.

2. Recommended Decisions

- 2.1 That the changes set out in the report at paragraphs 6.1, 6.2, 6.5 and 6.6 be agreed.

3. Reasons for the Decision

- 3.1 A policy is generally a system of principles to guide decisions and achieve outcomes. It is unusual and unnecessary for strategic policies to have detailed administrative and often operational processes contained within them as with the Council's Hackney Carriage and Private Hire Policy.
- 3.1 The pandemic required a very different, very quick change to the way we work and this highlighted the difficulties in being able to change our administrative processes quickly to respond to changing circumstances. Detailed administrative process being embedded into the policy highlighted the fact that even small changes, with no impact on the overall aims should pass through the Committee. The removal of these purely administrative processes from the Policy will enable the Council to be more responsive to the demands placed upon it by changing circumstances whilst ensuring that the Council and Committee still fulfils its duty under the relevant legislation.
- 3.3 The proposed changes to medicals and the temporary suspension of the requirement for a mid-year test is recommended in order to help clear the backlog of driver and vehicle renewals. The changes in relation to medicals will also give drivers a greater choice going forward.

4. Alternative Options

- 4.1 To leave the process unchanged which will mean that we can be less responsive to changes in technology and processes that improve the administrative functions, and all administrative changes will still need to come before the Committee for approval and the existing provision for medicals will remain.

5. Supporting Information

- 5.1 The Council's Hackney Carriage and Private Hire Licensing Policy came into effect in January 2019 following a period of extensive consultation. The Policy sets out how the Council will discharge its functions in relation to the licensing of hackney carriage and private hire drivers and vehicles and operators; included in the policy are the various administrative procedures which applicants are expected to follow when making an application to the Council.
- 5.2 Following the closure of the Council's buildings in March in line with the Covid-19 regulations it was necessary to put in place some temporary procedures to ensure that the Council's licensed trade could continue to operate providing transport for essential workers.
- 5.3 The Council is now looking to the future and how it plans to deliver this service against the backdrop of limited access to Council buildings and face to face contact. In working to develop new processes it has become apparent that the inclusion of purely administrative functions within the Policy is a barrier to dynamic service delivery and that these processes could be removed without detriment to the Policy and the Council's fulfilment of its statutory duties.

6. Proposed changes

- 6.1 The Policy currently states that -

Applications for the grant or renewal of a licence must be made, and will be determined, in accordance with the relevant **process and** procedures set out in the Policy, its annexes and appendices. There is a right of appeal against the Council's decisions, details of which are set out at the end of this document.

- 6.2 In order to ensure flexibility in terms of the purely administrative process it is proposed that the wording is changed to remove the words in bold above and that the following is added to the Policy –

The Council's administrative processes in relation to applications are set out on the Council's website and all applicants and licence holders should have regard to this when submitting an application. Please note processes may change so you are advised to check the website before submitting an application.

- 6.3 These changes will ensure that the Council retains a documented and evidenced procedure to in relation to its statutory obligations and its duty to ensure the safety of the travelling public but will enable the administration of the process (effectively the way in which the Council collects and processes the information) to be adjusted to meet service demands.
- 6.4 The Policy requires that drivers undertake a Group 2 medical with their own GP or with Cotswold medical. This ensures that the medical is carried out to the standard the Council requires and satisfies the requirements around the fit and proper test.
- 6.5 It is proposed that the Council widens this to enable the inclusion of further suppliers to the list of those able to carry out medicals. The Council will ensure that any supplier added to the list is able to carry out medicals to the standard the Council requires. It is hoped that by increasing the number of providers, the length of time it is taking to obtain a medical will be reduced.

- 6.6 In order to deal with the backlog of vehicle renewals it is proposed that the requirement for the mid-year test is removed for these vehicles only as a temporary measure. The Council's enforcement officers have completed the necessary training to carry out vehicle checks and will inspect these vehicles at random to ensure compliance with the Councils standards.

7. Consultation

- 7.1 As the proposed changes are exclusively in relation to how information is received and processed it is not considered necessary to carry out any consultation. The Council will be contacting existing licence holders in relation to their renewal and they will be advised of the changes relevant to them. New applicants will be directed to the website.

8. Strategic Plan References

- 8.1 There are no direct implications in relation to the changes. The Policy aims to contribute to the Council's vision of the Borough by ensuring that the licensed trade plays a significant role not only in the Borough's transport strategy but also in helping to promote Colchester and thereby enhancing our reputation as a destination and encouraging further investment.

9. Publicity Considerations

- 9.1 The processes will be available on the Council's website together with the amended policy. The Council will be contacting existing licence holders in relation to their renewal and they will be advised of the relevant changes. New applicants will be directed to the website.

10. Financial considerations

- 10.1 There are no financial considerations in the removal of the administrative processes from the Policy. There will be a one-off financial impact for the Council to refund the payments for the mid-year tests on those vehicles whose renewals will no longer take place because of the pandemic.

11. Equality, Diversity and Human Rights Implications, Community Safety, and Health and Safety Implications

- 11.1 There are no know direct implications of the proposed changes.

12. Risk Management Implications

- 12.1 A flexible yet robust revised Policy will continue to provide both the Council with a sound basis for decision making.

13. Environmental and Sustainability Implications

- 13.1 The move to more online processes will reduce the number of journeys made by the trade to Council offices.