

Subject: Licensing Unit Update

Status: For Publication

Report to: Licensing Committee

Date: 6th August 2007

Report of: Head of Planning, Legal and
Democratic Services

Portfolio

Holder: Portfolio Holder for a Well Managed Council

Key Decision: No

1. PURPOSE OF REPORT

1.1 To inform Members of the activities carried out by the Licensing Unit.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report are linked to and support the following corporate priorities:

- Delivering quality services to our customers.
- Promoting Rossendale as a place to live and visit.

3. RISK ASSESSMENT IMPLICATIONS

3.1 There are no specific risk issues for members to consider arising from this report.

4. UPDATE ON ACTIVITIES

4.1 **Enforcement Activities**

4.1.1 Currently there are six cases that have been referred to Legal Services for proceedings as follows:

- 1 x late night refreshment establishment opening beyond 11pm without the required Licence.
- 1 x false instrument offence (forged document produced)
- 4 x Hackney Carriage Drivers not wearing their driver identification

4.1.2 Another case is about to be referred to Legal Services relating to an unlicensed and uninsured person driving a Hackney Carriage.

4.2 **Internal Audit/Random DVLA Check and Convictions Amnesty**

4.2.1 The results for the above are now in and attached as Appendix 1. The results have given the Licensing Unit cause for concern. The Council must be satisfied that Hackney Carriage/Private Hire Drivers are 'Fit and Proper' people.

4.2.2 Unfortunately, as the results show, there are an alarming number of convictions, cautions and fixed penalty notices which have not been notified to the Licensing Unit, despite the fact that by virtue of Condition 9 of the Rossendale Borough Council Private Hire Licence Conditions, a licensed driver must disclose these within 7 days.

4.2.3 As a result of these findings and in the interest of public safety, the Licensing Unit will be consulting with the Taxi Trade, Legal and Democratic Services and Lancashire Constabulary (and possibly other bodies as appropriate) with the following recommendations:

- The introduction of a yearly Licence for Hackney Carriage and Private Hire Drivers.
- The CRB check to remain every three years.
- The introduction of an annual Statutory Declaration (Appendix 2).

4.2.4 Most Councils issue yearly licenses.

4.3 **New Taxi Licence Plates/Driver Identification/Door Stickers**

4.3.1 The designs are currently being finalized.

4.3.2 The Licensing Unit has accepted a request to submit designs and costs for door stickers from a local company with the following Corporate Priorities in mind:

- Delivering Quality Services to Customers (Customers, Improvement)
- Promoting Rossendale as a place to live and visit (Economy)

4.3.3 This company was set a challenge and has more than exceeded expectations.

4.3.4 The implementation of new taxi Licence plates/driver identification/door stickers is likely to take place at the end of November/beginning of December and will be promoted through the local media and on the Council's website.

4.4 **Disability Discrimination Act 1995 (DDA 1995)**

4.4.1 Government Proposals for Taxis (Hackney Carriages)

Section 32 of the DDA 1995 gives the Government powers to make taxi regulations, the purpose of which is to ensure that disabled people, including those who use and wish to remain in their wheelchairs, can get into and out of, and travel in licensed taxis in safety and reasonable comfort.

4.4.2 January 2012 was the Government's original timetable for completion i.e. all taxis required to comply with main taxi accessibility regulations. This has been extended to 2015.

4.4.3 This legislation will affect all taxis in areas where the Council does not already have a London cab style (or similar) policy for Hackney Carriages. This is because any person living or visiting an area can flag down a Hackney Carriage which in turn must stop and carry the passenger. Therefore a Hackney Carriage will be required to be accessible to all.

4.4.4 It does not affect Private Hire Vehicles as these vehicles only carry pre-booked passengers so can either make appropriate agreed arrangements or refer a passenger to another company.

4.4.5 Planned Research

The Lancashire Licensing Officers Group have agreed to appoint a sub-group in order to research fully the DDA 1995 and the Governments proposals for all taxis to be accessible and identify how the Council can become DDA compliant.

4.4.6 Following this, the Licensing Unit will consult with the Trade and other parties deemed suitable with the findings from the sub-group.

4.4.7 At that point, it is intended to write a Hackney Carriage Vehicle Policy, if required, before the anticipated completion date set by the Government.

5. RECOMMENDATION

5.1 That the Committee notes the content of the report.

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Background Papers	
Document	Place of Inspection
Results of Convictions Amnesty	Appendix A
Statutory Declaration	Appendix B