

Subject:	Licensing Update	Status:	For Publication
Report to:	Licensing Committee	Date:	6 th February 2018
Report of:	Licensing Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Phil Morton	Telephone:	01706 252442
Email:	philmorton@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	That the Committee note the contents of the update report

2. PURPOSE OF REPORT

2.1 To provide Committee with an update in relation to the implementation of taxi licensing policy conditions.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale’s residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

The Council’s Taxi Licensing policy ensures that the relevant safeguards are in place to enable Rossendale Council to fulfill its licensing function having regard to public safety in its widest sense

5. BACKGROUND AND OPTIONS

5.1 The adoption of the Taxi and Private Hire Licensing Policy in November 2016 introduced a wide range of changes to conditions affecting both drivers and vehicles.

A number of these changes have been introduced over the last year, and this report is to

provide members with an overview of the affect this is having.

5.2 **INTENDED USE POLICY.**

Although this policy was introduced in February 2016, the full impact is only now starting to take effect.

The period of grace which allowed existing licence holders one renewal after the introduction of the policy has now ended, and all hackney carriages now licensed by Rossendale BC should be predominantly working in Rossendale.

Intelligence led enforcement by Licensing Officers is continuing to ensure that licence holders comply with this condition. Joint working with officers from other local authorities, along with police, and VOSA staff is positively received and is having a significant impact on those who choose to work out of area.

An active policy of revoking the licences of those vehicles proved to be working remotely, and refusing to renew those licences which expire is continuing to reduce the numbers of hackney carriages licensed by Rossendale.

Currently the total number of hackney carriages licensed by the council stands at 1165 compared with 2600 in 2016, a reduction of 56%.

This figure is still higher than the sustainable number of vehicles required to meet the demands within the borough and work is continuing to ensure that the reduction in numbers continues over the coming months.

The impact of the Deregulation Act has seen a rise in the number of private hire vehicles licensed by Rossendale, and this figure now stands at 348. However this figure has now plateaued and the impact of other driver related conditions should see this trend maintained.

5.3 **KNOWLEDGE AND CONDITIONS TEST**

The new knowledge and conditions test has been running since June 2017 and is now being taken by all new and renewal drivers.

The test consists of 3 sections in part one; basic Maths and English; conditions and bylaws and geographic knowledge of the Rossendale area.

Part 2 of the test, which is completed at a later date, is a two hour training session covering safeguarding, CSE and disability awareness. This is then followed by a short multiple choice test.

Since June a total of 640 new applicants and 160 renewal drivers have taken part one of the test.

The figures show that of all the renewal applications received 56 of these were from drivers working in Rossendale. Of these none have failed to achieve the required standard.

Of those who are based and work outside Rossendale, 85 % failed to achieve the required standards and consequently have had their application to renew refused.

Between 1st January 2018 and 31st December 2018 a total of 2128 hackney carriage drivers licences are due for renewal and this will see a substantial impact on the numbers of drivers

who will remain licensed.

5.4 **JUDICIAL REVIEW**

The Judicial Review brought by the Rossendale Taxi Association challenging three elements of Rossendale's taxi licensing policy (tinted windows, age policy, and mandatory CCTV) was listed to be heard in the High Court in October 2017.

Prior to this, a considerable amount of work and discussion took place between both parties which led to a mutually agreed settlement.

At Licensing Committee on 27th September 2017, members agreed amended conditions in relation to all three areas, thus avoiding the need for both sides to enter into a costly court appearance.

This allowed the council to introduce the mandatory CCTV condition, and a slightly amended age policy, whilst allowing factory fitted tinted windows.

CCTV

The mandatory requirement for CCTV to be fitted in all licenced vehicles was implemented on 1st January 2018.

This applies to all new vehicles and all those applying for a renewal licence.

The system fitted in vehicles has to conform to Rossendale Councils system requirements, and must be fitted by an approved fitter, as listed on the council's website.

Currently this is limited to 3 companies, but is an open list which can be added to as necessary.

A system of grants and financial assistance is available to hackney carriage vehicle owners who work in Rossendale, provide evidence of doing so and satisfy the agreed criteria.

VEHICLE COLOUR

From 1st January 2018, there has been a requirement for all new and replacement hackney carriage vehicles to be white and all new and replacement private hire vehicles to be any colour except white.

There is no requirement for existing licensed vehicles to be re-sprayed, therefore the impact on the whole fleet while not be obvious for a number of years.

OTHER AREAS

AUDIT.

During October 2017, the licensing department was subject to audit by Lancashire County Council Audit services.

Two audits were carried out looking at procedures and processes covered by the Licensing Act and those involving Taxis and Private Hire vehicles, drivers and operators.

At the conclusion of the inspections, the auditors concluded that in relation to Licensing Act applications;

“Overall, we can provide **substantial** assurance over the adequacy and effectiveness of the controls in place within the Licensing Team for processing licence applications”

In relation to taxi and private functions;

“Based on our audit work we can provide **substantial** assurance that there is a sound and effective system of internal control which is adequately designed and consistently applied”.

These were both very pleasing results and reflect the hard work of all staff in the Licensing Department.

**6 COMMENTS FROM STATUTORY OFFICERS:
SECTION 151 OFFICER**

6.1 There are no material financial implications arising from the proposed amendments

7. MONITORING OFFICER

7.1 All legal implications are covered within the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 The details contained in this report are in relation to policies and conditions agreed by Licensing Committee in November 2016 and amended in subsequent meetings.

9. CONCLUSION

9.1 The introduction of robust but proportionate policies and conditions in relation to taxi licensing, has started to reverse the impact of previous polices, and return the size and nature of the taxi industry to that appropriate to a small borough. This allows far greater control of the quality and standards of both drivers and vehicles, and ensures that public safety remains the overriding priority in the licensing regime.

Close working with the taxi industry through the Trade Association has allowed significant progress in moving forward and achieving the best outcome for both the trade, passengers and the licensing authority.

The continued review of all licensing processes and procedures, along with targeted and evidence led enforcement and compliance checks will ensure that the safety of the public within Rossendale, and those who work in the licensed industries will remain our utmost priority.

Background Papers

Document	Place of Inspection
No background papers	