

Decision under Delegated Powers

Officer Requesting Decision

Licensing Manager

Minor changes and Alterations to the Hackney Carriage and Private Hire Licensing Policy

Officer Making the Decision

Head of Regulatory Services

Recommendation

That due to the current Coronavirus Pandemic, a number of minor changes and alterations be approved to the existing hackney Carriage and Private Hire Licensing Policy;

- a) DVLA Mandates (pg. 24, s2.15 of current policy) is replaced by the drivers applying online to the DVLA for a DVLA code which allows the licensing section to check their DVLA licence online in respect of endorsements.
- b) Drivers/applicants are required to obtain a medical assessment (pg. 18, s2.9 of current policy). This has to be a Group 2 Standards of Medical completed by their own GP. Drivers are to be given an additional option of being able to obtain a summary of their medical history from their GP surgery and then approach a different GP to complete their Group 2 Standards medical form.
- c) Signage and advertising (p29 s3.4 of current policy) prevents signage on windows of licensed vehicles other than that used to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten. Additional wording is to be added to the Policy that the 'Licensing Committee or Chair of the Licensing Committee in agreement with the Head of Regulatory Services, may authorise signs in a manner and duration specified by them.'

Reason

The principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to drive a hackney carriage or private hire vehicle. That person must remain a fit and proper person for the duration of that licence.

In order to assess the suitability of an applicant, the licensing section undertakes whatever checks and applies whatever processes it considers necessary to ensure that licences are not issued to unsuitable persons. Due

to Covid a number of these checks have been unable to be undertaken, creating barriers to drivers renewing and those wishing to apply as new drivers.

- a) DVLA Mandate - whilst continuing to maintain a good standard of applicants/drivers by checking the drivers DVLA licence through the DVLA gov.uk online process, removing the DVLA mandate requirement, streamlines the process whilst reducing the cost for the applicant /driver by £15.00. – The licensing team will continue to carry out an annual DVLA check on each driver.
- b) Group 2 Medical standard – Drivers can still choose to visit their own GP but the introduction of the means of drivers /applicants to approach a separate GP to their own, with a summary of their medical records, will give them greater flexibility to obtain the medical in a timely manner and may reduce the overall cost of their licence application.
- c) Signs - The licensing section would like to assist its licensed trade during the coronavirus pandemic by helping them to protect themselves and their passengers by introducing signs to be displayed in their vehicles, appropriate to Covid 19. The current Hackney Carriage and Private Hire Policy does not allow this.

Authority for Decision

On 11th February 2020, the Licensing Committee approved the Hackney Carriage and Private hire Licensing Policy. The Committee also approved that the Head of Regulatory Services would be given delegated authority to make minor amendments and alterations, and amendments required to comply with changes to legislation and Government Guidance to the Hackney Carriage and Private Hire licensing policy in consultation with the Chair of the Licensing Committee. The Chair of the Licensing Committee has been consulted on this decision and is satisfied with the report.

Decision and Date

Background

1.0 Introduction

Charnwood Borough Council is responsible for the regulation and administration of the Hackney Carriage and Private Hire trade licensed by the Council.

The Hackney Carriage and Private Hire Licensing Policy was first introduced in April 2017 and set out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions; the Council has regard to this policy document. Although each application or enforcement action is considered on its own merits.

This policy lays out the application requirements and processes for applicants and existing drivers to complete when applying for a Charnwood Borough Council Combined Drivers Licence.

2.0 Coronavirus Pandemic 2020

The current COVID-19 pandemic and necessary social restrictions presents a fast changing legislative landscape including that of the position of drivers carrying passengers, vehicle MOTS and licensing in general.

In light of government advice about COVID-19 (Coronavirus) in March 2020, Licensing made changes to the Licensing Service. These changes were made to help minimise the risk and spread of the virus.

Initially, to ensure existing drivers were able to continue to work under the March lockdown, renewing drivers were issued with an 'intention to renew' form to complete and submit. Only those existing drivers that registered their interest were entitled to continue to use their licence (after the expiry date of their existing licence/badge had passed) until such time as a full driver renewal application could be submitted.

Once Licensing received the 'intention to renew', a written authorisation was sent by the Licensing Team authorising the driver to work for a further 6 months. This authorisation was to be kept in the car should they be stopped.

Existing drivers were advised that once the Customer Service Centre was open to Licensing customers, they would be required to submit a full renewal application within a specified time period.

A full renewal application would include the following;

- A completed application form
- The payment of the relevant fee
- Their current DVLA licence (and a utility bill if the address on their driver's licence has changed.)
- A completed DVLA mandate

- A satisfactory Enhanced Disclosure Barring Service (DBS) application along with ID requirements
- A satisfactory medical report
- Evidence of their entitlement to work in the UK
- A Certificate of Good Conduct, if required (translated into English and no more than 3 months old at time of presentation)
- One recent passport photograph

Unfortunately due to the ongoing situation with Coronavirus and its impact on a number of application stages/processes drivers remain unable to renew existing licences at this time.

It is proposed to introduce a number of changes to the existing policy and application processes to allow renewals to be received.

2.1 Proposed Changes

2.1.1 DVLA Mandates

Prior to Coronavirus, renewing drivers and applicants visited the Council's Customer Service Centre and completed a DVLA mandate form with their DVLA Licence card checked at the same time, as submitting their completed application.

During lockdown applicants and renewing drivers have been unable to provide a completed DVLA mandate to a Customer Service Advisor for their DVLA licence to be verified.

Gov.uk offers the facility online to be able to check someone else's DVLA Licence, <https://www.gov.uk/check-driving-information>

To enable the 'intention to licence' to be approved and move the process online, the licensing section contacted the applicant by email and asked them to apply online for a DVLA code. This code was then passed to the Licensing Section. This enables Licensing to check their DVLA licence, via the Gov.uk website, that they have no endorsement points on their licence or anything that may affect their ability to hold a Charnwood Borough Combined Drivers licence.

This can be done by the applicant clicking on the following link:
<https://www.gov.uk/view-driving-licence>

It is proposed that the need for an applicant to complete the DVLA Mandate and pay £15.00 (£5.00 per year introduced in the 2020 reviewed Policy) for their DVLA licence to be annually checked is removed from the Licensing policy/process and that the applicant be asked to provide a summary code on their first application or renewal and then annually, on the anniversary of their 3 year licence renewal. This would allow the DVLA licence and any endorsements to be checked.

This change would streamline the process for the DVLA Mandate, reduce the overall cost of the licence to the applicant, saving the licensing section printing and postage costs and speed up the ability for licensing to check the applicants DVLA licence whilst reducing the customers time in the Customer Service Centre.

2.1.2 Medicals

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers ; and they may have to assist disabled passengers and handle luggage. Therefore an appropriate standard for licensed hackney carriage and private hire drivers is a Group 2 Standard of Medical Fitness as applied by the DVLA, to the licensing of lorry and bus drivers.

A medical examination is required on the first licence application and then every 3 years from when first licensed and annually after the age of 65. Applicants and current drivers are asked to undergo medicals with their own GP's. The applicant is responsible for paying the examination fee to the relevant surgery and for ensuring all sections are completed in full by their GP.

The introduction of Coronavirus in March 2020 and its call on NHS staff and GP's meant that most GP surgeries stopped providing normal services, including that of Group 2 Medicals.

A number of GP's have resumed services and a small number of existing drivers have managed to obtain a Group 2 medical. Other existing drivers waiting on medicals have been advised by their GP surgeries that they are not doing them or if they are, costs have increased, with one driver quoted £220.00 for the service.

Both the delay and the potential rise in cost create unnecessary barriers for the drivers in obtaining and renewing their licence (or currently their intention to renew).

Research into the area has shown that most local authorities require the more stringent Group 2 medical but that they have different ways of obtaining them. Some Council's allow their applicant/driver to go to any GP, some such as Charnwood prefer their drivers own GP and others recommend the drivers own GP and then recommend named companies that their drivers go to. A driver going to a surgery that does not know their medical history could result in areas of potential fitness being missed.

Telford and Wrekin Council on their web site states that a driver 'may use any Medical Practice you choose provided that the doctor has sight of a summary of your medical records'.

One such company D4Driver's contacted Charnwood and advised of their services. They have a number of GP's around the UK that carries our Group 2 standard medicals for Taxi Drivers. The driver takes a summary of their medical history from their own GP and the local authority's medical form. The GP completes their Council medical form based on the information provided by the applicant/driver.

The licensing manager contacted a Business Partner of Charnwood Community Medical Group (Practice) and asked for his comments in respect of the comment on Telford and Wrekin Council. *He advised that 'Some practices may choose to offer taxi medicals for patients who aren't registered with them on a private basis.*

On these occasions I would suspect most practices would register the patient as a temporary patient which in a lot of cases would allow them to see the clinical record through their computer system.

Patients are able to access their medical records using a subject access request free of charge but it can be time consuming for practices to respond (40 days guidance under GDPR I think) as they have to be checked for third party references and anything that might be harmful to the patient before they are released as a subject access request. The content of the summary will vary from Practice to Practice.'

To reduce the barrier that excessive cost may create or a GP surgeries refusal to do a medical, it is proposed to amend the Hackney Carriage and Private Hire Licensing Policy, to allow an existing driver/applicant to use their own GP for Group 2 Standard medical or to approach any medical practice they choose as long the GP they see, has sight of a summary of their medical records. They must obtain their medical summary from the surgery they are registered with before approaching another GP and that GP must view that medical summary and complete the Councils medical form. The Councils medical form will be amended to ask a GP completing the form to sign they have seen the drivers medical summary.

It is proposed that the flexibility with medicals would be reviewed within 12 months of its introduction.

Nalo (the National Association of Licensing and Enforcement Officers) advised in April 2020 that the the Department of Transport would review the position on Group 2 medical assessments for taxi and PHV drivers. We await the review.

2.1.3 Signs

Currently the Hackney Carriage and Private Hire licensing policy states that 'No signage is permitted in any window(s) except that used to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

VIP, the plating consumable company that Charnwood uses has produced Coronavirus stick on signs for drivers to display in their vehicle that state 'face coverings must be worn in this vehicle.'

Licensing feel these would be beneficial to the taxi trade but currently the wording in the Policy prevents a driver from displaying them.

It is proposed to add the additional wording in the policy to 'The Licensing Sub Committee may authorise the display of additional signs in a manner and duration specified by them'.

3.0 Financial Implications

None - as the DVLA payment and cost of the medicals is paid by the driver and not retained by the Council.

4.0 Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Not amending the processes identified would result in applicants/existing drivers being delayed in applying or completing a renewal.	3	3	9 (moderate)	That the proposed changes be agreed to assist with streamlining and reducing barriers to application

Key Decision: No

Background Papers:

<https://www.naleo.org.uk/newsdetails/latest-news/2020/Apr/dft-to-review-group-2-medical-provision-for-taxi-and-phv-drivers->