

Committee: Licensing & Environmental Health

Agenda Item

Date: 20 September 2017

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Title: Details of Scoping for the proposed review of the licencing policy and procedure relating to Hackney Carriage and Private Hire Trades

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Item for decision:
no

Summary

1. This report is presented for member's information and sets out the scoping for the proposed review of the licencing policy relating to the Hackney Carriage and Private Hire Trades.

Recommendations

2. Members are asked to note the details of the scoping for the proposed review.

Financial Implications

3. An appropriate level of remuneration will be paid in order to cover any back filling of the reviewing officer's post and to cover all reasonable travelling and subsistence expenses incurred. All allowances will be paid in accordance with UDC policy.

Background Papers

4. None

Impact

Communication/Consultation	None undertaken at this time. Consultation with Trade representatives and other interested parties will be undertaken as the process move forward
Community Safety	No impact on community safety
Equalities	No impact on equalities
Health and Safety	No impact on employee health and safety
Human Rights/Legal Implications	No impact on Human Rights
Sustainability	No impact on sustainability

Ward-specific impacts	No Ward-specific impacts
Workforce/Workplace	No Workforce/Workplace impacts

Situation

5. The law relating to hackney carriages and private hire trades is largely contained in 2 statutes, the Town Police Clauses Act 1847 which is exclusively concerned with hackney carriages and the Local Government (Miscellaneous Provisions) Act 1976 which deals with both the hackney carriage and private hire trades. The object of the legislation is to ensure the safety and wellbeing of the public.
6. The power to regulate the private hire trade under the 1976 Act is adoptive. The Council resolved to adopt those powers in 1992 and has regulated the private hire trade since.
7. Under the legislation the council is responsible for licensing hackney carriages and private hire vehicles, drivers of those vehicles and operators of private hire vehicles.
8. For some time officers have become aware of an increase in the number of applications for drivers, vehicles and operators licences with a large proportion of these (83%) coming from outside of the District. The increase in applicants for driver's licences has risen since 1 October 2015. Officers speculate this increase is due to a more rigorous application process at other authorities.
9. This has resulted in a disproportionate number of drivers licensed and operating within the Uttlesford District which is likely to continue to rise, placing ever increasing pressure on the licensing team and its ability to maintain its existing levels of service.
10. Additionally the rises in popularity of firms such as UBER have served to create a different landscape to that which existed in 1992.
11. It is therefore proposed to undertake a full review of the current licence policy and procedures in place at Uttlesford. This would allow reaffirmation of those areas that work well and identify potential areas for improvement.
12. This review forms part of the 2017/18 EH service plan and will be outcome based with success being measured by the production of a reports identifying both strengths and weaknesses and the delivery of a briefing to the EH Managers and members of this Committee.
13. The resources identified as being required are an experienced Senior Licensing Officer/Manager, external to the service, supported by the UDC licensing team as required. The project is felt to be adequately resourced and will run alongside participating UDC officers' normal workload
14. The Senior Licensing Officer/Manager external to the service has been identified as Oliver Rawlings and he is prepared to undertake this work. Mr Rawlings is the current service manager for Licensing and Enforcement at East Hertfordshire District Council. He is a highly experienced officer who

commenced his career in licensing in 2004 and having worked at Maldon, Brentwood, Watford and East Herts Councils. He also holds a certificate of higher education in licensing law and currently chairs the Herts and Beds licensing group.

15. It is intended that the review be completed within four months, commencing September 2017, and that it be used to inform a report to the Licensing and Environment Health Committee detailing the current strengths of the service and recommending any necessary changes both to current team structure and licensing procedures. Appropriate consultation on any recommendations made will be undertaken with trade representatives and other interested parties as appropriate
16. Mr Rawlings will be given full autonomy to carry out a comprehensive review. He will be fully supported by both licensing and enforcement staff and their management and provided with all necessary documentation. Staff will be available to answer questions or provide clarification on issues as necessary. Candid and honest input will be encouraged and licensing staff will all be aware that the purpose of the review is not to find fault but rather to offer an impartial and fresh perspective on service delivery.
17. It is anticipated there will be a need to attend both the council offices to view licensing procedures in operation and to site visit / meet with operators and trade representatives. Assessments of written policy and procedures, web based information and other corporate documents are considered appropriate to be undertaken off site. No information subject to data protection will be removed from the council offices.
18. The Environmental Health and Licensing Committee Chair and other members will be invited to take part in this review at either their own or the reviewing officers request, contact will be facilitated by the EH Manager (Commercial).
19. The review of Hackney carriage vehicles and PHV service will incorporate an assessment of the following.
20. Current UDC licensing policy and its implementation including the standards and conditions applied to drivers, operators and vehicles. The review will consider the compliance with current licensing legislation and any relevant code of practice. The review may extend to look at the issue of wider consistency focusing on other councils particularly with those across Essex, Herts and Cambs. Where requested by the reviewing officer Licensing policies and other appropriate benchmarking data necessary for an effective comparison will be obtained by UDC staff. Where significant UDC staff time resource is likely to be required EH Manger (Commercial) approval will be required.
21. Current enforcement policy and procedures including triggers for the use of delegated powers by officers and /or referral to committee in the case of an identified breach. The review will also look at consistency in application and the appropriate nature of any sanctions applied and the link to a graduated

approach to enforcement. Consideration will be given on the appropriate nature of current referrals to committee and if adjustment to licensing policy is required this will be highlighted.

22. The adequacy of levels of staffing resource available within both the licensing and enforcement service together with its efficiency under its current structure and the overall service resilience. An assessment relating to the resilience of available legal support will be made, including the effectiveness of any agreement with external legal agencies to provide timely and expert legal opinion in support of the internal legal resource and the licensing officers.
23. The current use of IT systems (Lalpac and Uniform /DMS) and the effectiveness of the support it provides in the efficient administration of the service, the monitoring of work undertaken and the provision of adequate auditable records and reports.
24. Any areas where the service could expand or identify opportunities to enter into partnership and / or build stronger links with other local authorities with a view to sharing knowledge and resource.
25. The way the service currently engages and offers advice and support to members of the trade or other users including the appropriate nature of any forums for consultation and other links with the community. This will likely entail visits to larger operators and meeting with senior members of Uttlesford Licensed Operators and Drivers Association (ULODA) to canvass opinion on trade interaction with service.
26. The openness and transparency in the way information relating to the setting of fees and charges is provided both to the Trade and other interested parties. To review the budget setting process and the means by which costs are calculated and the fees and charges informed.
27. A consideration of the means by which UDC ensures that public safety is at the forefront of its Licensing service and ways in which that could be enhanced such as the introduction of a knowledge test, more formal English language tests, safeguarding training, driver safety awareness and disability awareness. Identify options available for positive action to increase the numbers of disabled access vehicles locally available and make recommendations to facilitate their introduction.
28. Any review of the other areas covered by licensing service will be at the discretion of the reviewing officer, with the exception of where they relate to the assessment of the current team structure, changes to it and any potential impact on resilience.
29. Monitoring of the project delivery will be undertaken by the EH Manager (Commercial) supported by the EH Manager (Protection) and the Licensing Team Leader. Regular updates will be provided by the reviewing officer with a formal mid-way review being scheduled at the end of October 2017.

30. In addition there will be a presentation to the Environmental Health and Licensing Committee on 24 January 2018 of initial report to inform and seek member views and agree the potential consultees. A further presentation will be made to the Environmental Health and Licensing Committee on 21 March 2018 to provide feedback on consultation responses and for members to agree or amend the recommendations for the adoption of the findings of the review.