

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	17 March 2020

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REQUIREMENTS

1.0 Purpose of the report:

- 1.1 To consider the requirements of the Hackney Carriage And Private Hire Licensing Policy as they apply to driver and vehicle licensing in the context of restrictions in place due to the Coronavirus pandemic.

2.0 Recommendation(s):

- 2.1 The Sub-Committee will be requested to delegate to the Trading Standards and Licensing Manager, or such other suitably qualified officer nominated by him in writing:
1. The power to vary the requirement for licensed vehicles to be tested at CVMU and replace it with the requirement for the vehicle to have a valid MOT certificate.
 2. The power to dispense with the requirement in suitable cases for a driver to produce medical evidence of fitness to drive for a period of six months from the date that it was due.
 3. To amend the Policy to allow the Trading Standards and Licensing Manager to nominate in writing any other suitably qualified officer nominated by him in writing to exercise the powers of suspension and revocation.
 4. To amend the policy to allow the Trading Standards and Licensing Manager/nominated officer to exceptionally dispense with the previously agreed procedure for the suspension and revocation of hackney carriage and private hire driver's licences, namely the formal interview and consultation with the Chairman/Vice Chairman where such steps are not practical.

3.0 Reasons for recommendation(s):

- 3.1 To ensure that the licensed trade can continue to operate effectively during the period of restrictions caused by the corona virus pandemic.

The recommendations also allow for the continuation of the established urgent action procedures to protect public safety even in exceptional circumstances.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, if the power to vary the requirements are not delegated the trade would not be able to operate during the period of restrictions.

4.0 Council Priority:

4.1 The relevant Council Priority is "The Economy: Maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 The Coronavirus outbreak provides a number of challenges for the Licensing Service and for licensed drivers. There is a need to make urgent amendments to the established procedures so that both there can be a continuity of service which is particularly important given the public service nature of Hackney Carriage and Private Hire Vehicles and that urgent action can be taken where necessary to protect public safety.

5.2 Licensed drivers are currently required to produce evidence their fitness to drive to Group II medical standards, on application, on reaching 45 years, from 45 every 5 years until the age of 65 when annual medical examinations are required.

5.3 Drivers are reporting that appointments for medical examinations are being cancelled due to measures put in place by medical practices as a result of the coronavirus pandemic. Without such medical evidence drivers would be in breach of the policy and would be liable to have their licence suspended. It is therefore proposed that where the Trading Standards and Licensing Manager/nominated officer has no reason to doubt medical fitness, the power be granted to them to dispense with the requirement to produce medical evidence to allow the driver to continue to drive. Where there are concerns about medical fitness to drive, medical evidence would still be required.

5.4 In the case of new applicants for driving licences the requirement to produce Group II medical evidence will remain at this moment time.

- 5.5 Vehicle licence holders are required to have their vehicles tested by the Council's mechanics at CVMU. Vehicles that pass receive a certificate of compliance which also counts as an MOT for the vehicle. Due to the pandemic it is possible that CVMU will, for a period of time, lack the capacity to undertake these vehicle inspections. Whilst it is important that licensed vehicles remain available to members of the public. In the absence of a certificate of compliance, vehicles will require an MOT certificate to lawfully operate on the road. It is envisaged that the power to accept an MOT as an alternative to a certificate of compliance will only be used for as short a period as possible in the event that CVMU are unable to undertake such testing.
- 5.6 The Public Protection Sub-Committee approved its meeting in August 2017 procedures for dealing with the consideration of urgent need to take steps like revocation or suspension of licences. The decision to revoke is delegated only to the Trading Standards and Licensing Manager and require a number of key steps including an interview with the licence holder and consultation with the Chairman or Vice-Chairman prior to revocation. In light of the developing Coronavirus situation, it could be that these steps are not possible and that the Trading Standards and Licensing Manager might not be available due to illness or self-isolation. It is therefore proposed that the Trading Standards would be able to appoint an alternative officer, who was suitably qualified, in writing. The Trading Standards and Licensing Manager or appointed officer would also be able to dispense with certain steps if these were not practicable from example where a driver was infected or where the Chairman and Vice-Chairman were unavailable due to illness. These powers would only be used in exceptional circumstances but would be necessary contingencies in the current climate. The powers would only be used during the Coronavirus outbreak but it is proposed that it left open-ended as it cannot yet be predicted for how long the situation will last.
- 5.7 Does the information submitted include any exempt information? No

List of Appendices:

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None