

Committee Name and Date of Committee Meeting

Cabinet – 15 February 2021

Report Title

Amendment to the Hackney Carriage and Private Hire Licensing Policy 2020-2023:
Vehicle licence plate consultation

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

In March 2020, the Council approved a new Hackney Carriage and Private Hire Licensing Policy. Within that report, the Council also endorsed a recommendation to carry out an additional public consultation regarding the issue of vehicle licence plates, which was specifically raised by members of the licensed trade and the Council's Licensing Board. Consultation has now been completed and this report summarises the outcome, recommending that an amendment is made to the policy.

Recommendations

1. That Cabinet agrees to the amendment of the Hackney Carriage and Private Hire Licensing Policy 2020-2023 by reducing the frequency of issuing vehicle licence plates to yearly.

List of Appendices Included

Appendix 1a *Initial Equality Screening Assessment (Part A)*

Appendix 1b *Equality Impact Assessment (Part B)*

Appendix 2 *Hackney Carriage and Private Hire Licensing Policy 2020-23 (revised)*

Appendix 3 *Appendix H – Vehicle Licence Application Process (revised)*

Appendix 4 *Consultation summary*

Background Papers

Hackney Carriage and Private Hire Licensing Policy 2020-2023

<https://www.rotherham.gov.uk/downloads/download/264/licensing-policies>

Cabinet Report (23rd March 2020) – Hackney Carriage and Private Hire Licensing Policy Review

<http://modgov-p-db/ieListDocuments.aspx?CId=1103&MIId=14814&Ver=4>

Cabinet Report (23rd December 2019) – Review of Hackney Carriage and Private Hire Licensing Policy

<https://moderngov.rotherham.gov.uk/ieListDocuments.aspx?CId=1103&MIId=14812>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Council Approval Required

No

Exempt from the Press and Public

No

Amendment to the Hackney Carriage and Private Hire Licensing Policy 2020-2023: Vehicle licence plate consultation

1.	Background
1.1	Cabinet adopted the Hackney Carriage and Private Hire Policy 2020-23 on 23 rd March 2020. This was the culmination of a comprehensive consultation process, which sought to further improve the Council's already comprehensive policy.
1.2	Alongside the seven key themes of the consultation, an additional change was requested by licensed drivers, trade representatives and the Council's Licensing Board, which proposed that vehicle licence plates were issued for the duration of the licence, rather than for the duration of a vehicle compliance check. However, this was not something that was discussed through the consultation process with members of the public.
1.3	Therefore, a second recommendation approved a further public consultation regarding the issuing of vehicle licence plates. This would be reported back to Cabinet with a proposal for agreement later in 2020, with a proposed implementation date of 1 st January 2021.
1.4	On the same day that Cabinet approved the policy, the Government announced the first set of national restrictions due to coronavirus. This initial 'lockdown' led to the Council declaring a major incident; altering priorities to respond effectively to a global public health crisis.
1.5	Since March, national guidance has determined the level of service that could be provided. Closure of Council buildings, working from home arrangements, social distancing and the restrictions on running events have meant that only some of the functions of the service have been able to continue. This has been regularly reported through the Council's incident management structure.
1.6	The service is also responsible for the licensing of pubs, bars and restaurants. Officers have been required to advise on and enforce several time-limited pieces of legislation alongside colleagues in Environmental Health, Trading Standards and South Yorkshire Police. This reactive work could not have been planned for and had to be prioritised.
1.7	Therefore, the second recommendation for a public consultation regarding the issuing of vehicle licence plates was delayed until a time when there were sufficient resources within the service to carry out this activity and face-to-face activities could recommence.
1.8	In November 2020, it became clear that face-to-face consultation would still not be possible for the foreseeable future, so a decision was taken to commence with online consultation, ensuring that this was carried out as inclusively as possible. Representative groups involved in the previous consultation on the policy were contacted with the offer of virtual attendance

	at meetings, paper versions of the consultation documents and the opportunity to submit a written response to the consultation. The response to the consultation that was carried out can be seen in Section 4 of this report.
2.	Key Issues
2.1	Under the current policy, all licensed vehicles must undergo regular compliance checks, the number of which are determined by the age of the vehicle, with a maximum of three compliance checks per year for a vehicle over five years of age. Currently, licence plates are issued for the duration of a compliance check, meaning that 237 vehicles are issued two licence plates per year and 639 vehicles are issued three licence plates per year. This decision was taken to ensure that all vehicles attended their compliance checks and gave a visible reminder to drivers that their test was due.
2.2	Respondents to the consultation believe that this requirement may no longer be necessary due to changes in the administration of the Licensing service. The Council is now able to send out automatic reminders to drivers that their compliance check is due, and to report on whether a vehicle has attended their compliance check. With these safeguards in place, it is possible to issue just one plate a year.
2.3	This proposal would create a more efficient process for drivers, but would also create significant efficiencies within the Licensing service, reducing the number of face-to-face interactions in Riverside House per year by 1,515, reducing the cost and time of printing plates which is undertaken by the Licensing service, and reducing the cost to the trade by £28,785 per annum. Furthermore, the Council are required to dispose of all expired plates which are non-recyclable, putting the equivalent of 112 square metres of plastic into landfill annually.
2.4	The Council's Licensing Board also raised this issue, as the board responsible for determining and issuing licenses, and stated that "...the board were sympathetic to this [vehicle plate issue] and felt there were no advantages of issuing plates more frequently. There would be a cost saving for both drivers and the Council in terms of administration".
2.5	The previous report stated that there was a small risk of non-compliance if only one plate was issued per year. The service has worked to ensure that automatic checks and flags have been built into the new system which has been created to allow for booking of these tests and vehicle licence renewals. Drivers will be reminded by automatic email six weeks before a compliance check is due. If a booking is not made, then a further reminder will be sent a fortnight before the expiration of the current compliance check. If a compliance check is not booked by the date of expiration, an automatic flag is placed upon that vehicle which will trigger an enforcement action by the service. This system will ensure that there is not a risk of non-compliance and provides further assurance that the Council's high standards are being upheld.

3.	Options considered and recommended proposal
3.1	In March 2020, Cabinet agreed for officers to undertake a further consultation regarding vehicle licence plates. This consultation has now taken place and Cabinet now have two options to consider:
3.2	Option 1: The Council could decide to not make any further changes to the Hackney Carriage and Private Hire Licensing Policy 2020-2023.
3.3	Option 2: The Council could reduce the issuing frequency of vehicle licence plates to yearly, in line with the outcomes of both the initial consultation with the trade and Licensing Board, and the subsequent public consultation carried out between December 2020 and January 2021.
3.4	The recommended option is Option 2. This option would reduce the number of licence plates issued every year, reducing the complexity of the process for both the licensed trade and the service, whilst delivering cost savings and reducing the Council's impact on the environment. The proposal reflects the support of the Licensing Board, the licensed trade and the views of the public. Improvements to the administrative processes of the licensing service significantly reduce the risk of non-compliance which will be automatically monitored and reported upon.
4.	Consultation on proposal
4.1	The Council carried out a further consultation on this specific issue between December 2020 and January 2021. This consultation focused on the views of the public, as the views of trade representatives, licensed drivers and Elected Members had already been captured.
4.2	The consultation received 149 responses, 72 of which were from members of the public. These were focused upon as the views of the licensed trade had already been captured in the previous consultation. A summary of these responses can be found in Appendix 4.
4.3	As well as a consultation which was available online, the Council also wrote to the following representative groups and boards which were involved in the previous consultation: <ul style="list-style-type: none"> • Rotherham Adult Safeguarding Board • Rotherham Children's Safeguarding Board • Youth Cabinet • Older People's Forum • Taxi Trade Liaison Committee • Community Reference Group <p>Officers offered to attend virtual meetings where these existed, receive written consultation responses, or disseminate virtual or paper versions of the consultation to groups. Of the groups that did reply, all responses were included through the online consultation form.</p>

4.4	Overall, 81% of the public agreed with the proposal outlined in Section 3.3.
5.	Timetable and Accountability for Implementing this Decision
5.1	Should Cabinet approve this amendment to the policy, it will be implemented following the standard call-in period. It is expected that the new policy will take effect on Monday 1 st March 2021. Any plate distributed after this date will be issued until the date of expiry on the vehicle licence.
6.	Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)
6.1	There are no direct procurement implications arising from the recommendations detailed in this report.
6.2	Following the outcome of the consultation on the issuing of licence plates the recommendation is that the issuing frequency of vehicle licence plates be reduced to yearly within the Hackney Carriage and Private Hire Licensing Policy 2020-2023. This will result in a saving of approximately £28k by enabling efficiencies.
7.	Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)
7.1	Given that the recommendation is supported by the consultation responses and the positive factors associated with the change to the policy, the risks of any legal challenge are low.
7.2	The service needs to ensure that the application process and any process around reminders and renewals are as robust as possible to ensure that licence plates remain valid. Due to the changes made within the service already, it would appear that any risks in this area have been minimised. In any event, it remains the responsibility of the driver to ensure that they hold valid licence plates.
8.	Human Resources Advice and Implications
8.1	There are no direct Human Resource implications arising from this report.
9.	Implications for Children and Young People and Vulnerable Adults
9.1	Both the Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having an effective taxi licensing service.
9.2	At the heart of the policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and

	disorder. The effective implementation of the licensing policy and the standards that it contains plays an important part in the protection of children and vulnerable people in Rotherham.
9.3	Since the publication of the report, the licensing service have been working with colleagues in Children's Services to ensure that those involved in the care and support of looked after children are aware of the key contacts within licensing, the nature of information that can be passed on to the licensing team and the action that the team can take as a result. This has been achieved by identifying single points of contact within the Licensing Service and Children's Services and an agreed protocol for the sharing of information between services (making use of the formal, documented Local Authority Designated Officer procedures within Children's Services).
9.4	In addition, action has been taken to repair and formalise the information sharing processes within the Council and between its partners. This includes the regular attendance of a senior manager from the Council's Licensing Service at the weekly CSE / CCE Intelligence Sharing Meetings that are chaired by South Yorkshire Police. Information that is discussed at the weekly meetings includes detail on offenders, victims and locations of concern. These meetings also provide a forum where a multi-agency approach to a problem can be discussed; if need be with formation of a separate task and finish group consisting of the various Council services and partner agencies.
9.5	The Council's Hackney Carriage and Private Hire Licensing Policy makes it clear that non-conviction information can be taken into consideration when making decisions regarding licensing matters (there had previously been a criticism that officers acted only when a licence holder had actually been convicted of an offence). The policy confirms that the safety of the travelling public must be the paramount concern.
10.	Equalities and Human Rights Advice and Implications
10.1	In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.
10.2	The policy (along with the Council's General Enforcement Policy) will ensure the consistent and fair determination of licences; recognising that every individual is entitled to dignity and respect.
10.3	When making licensing decisions, the Council and its officers ensure that all decisions are equally applied on the grounds of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.
10.4	Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing

	decisions have the legal right to challenge that decision in the Magistrates Court.
10.5	A full Equalities Impact Assessment has been completed and is attached as Appendix 1 to this report.
11.	Implications for Ward Priorities
11.1	This policy will be applied directly and equally to all wards within the borough.
12.	Implications for Partners
12.1	It is recognised that enforcement and compliance activity often cannot be carried out in isolation by the Council. Its key partnerships with other agencies e.g. South Yorkshire Police, HM Revenue and Customs and the Driver and Vehicle Standards Agency are critical to ensure a comprehensive approach to regulation.
13.	Risks and Mitigation
13.1.	The Hackney Carriage and Private Hire Licensing Policy must give confidence to licence holders and the public of the effective performance management of Council processes and the transparency and fairness of the Council's approach to enforcement.
13.2	Responsibility for ensuring compliance with the policy rests with team and service management, with appropriate overview and scrutiny by the Cabinet Member for Waste, Roads and Community Safety and members of the Licensing Board.
13.3	Failure of the Council to effectively discharge its licensing enforcement functions may compromise public safety.
13.4	Compliance with the General Enforcement Policy gives confidence to business and individuals of the transparency and fairness of the Council's approach to enforcement, without which the Council's reputation might be at risk.
14.	Accountable Officers
	Tom Smith, Assistant Director of Community Safety and Street Scene
	Alan Pogorzelec, Licensing Manager

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	01/02/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	26/01/21

Head of Legal Services (Monitoring Officer)	Bal Nahal	26/01/21
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