

Committee Name and Date of Committee Meeting

Cabinet – 23 March 2020

Report Title

Hackney Carriage and Private Hire Licensing Policy Review

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

Yes

Strategic Director Approving Submission of the Report

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Ward(s) Affected

Borough-Wide

Report Summary

In July 2015, the Council introduced a revised Hackney Carriage and Private Hire Licensing Policy. This policy is now widely seen to be setting the standard for other Local Authorities to benchmark against in relation to Taxi and Private Hire licensing.

This policy is now due for review and the Council have widely consulted on a number of proposed changes to ensure the standard of licensed drivers, vehicles and operators in Rotherham continues to be of the highest quality.

This report outlines the final changes that have been included in a proposed revised policy based on consultation, and seeks approval from Cabinet to adopt this policy.

Recommendations

1. That the revised Hackney Carriage and Private Hire Licensing Policy 2020-2023 be adopted.
2. That approval be given to further public consultation regarding changes to the issuing of vehicle plates, as described in Section 2.11.

List of Appendices Included

Appendix 1 Equality Impact Assessment

Appendix 2 Hackney Carriage and Private Hire Licensing Policy 2020-2023

Appendix A: Private Hire and Hackney Carriage Drivers Application Procedure

Appendix B: Disclosure and Barring Service (DBS) Application Procedure

Appendix C: Relevance of Previous Convictions Policy

Appendix D: Private Hire / Hackney Carriage Driver Conditions of Licence

Appendix E: Hackney Carriage Byelaws

Appendix F: Dress Code

Appendix G: Code of Conduct when working with vulnerable persons

Appendix H: Hackney Carriage & Private Hire Vehicle Licensing Application Procedures

Appendix I: Vehicle Age and Emissions Policy

Appendix J: Specification of Private Hire Vehicles

Appendix K: Specification of Hackney Carriages

Appendix L: Private Hire Vehicle Conditions

Appendix M: Hackney Carriage Vehicle Conditions

Appendix N: Private Hire and Hackney Carriage vehicle examination and testing requirements

Appendix O: Advertisements Policy

Appendix P: Private Hire Operator Conditions

Appendix Q: Taxi Camera Requirements

Appendix 3 Summary of Consultation responses

Appendix 4 Implementation Policy

Background Papers

Taxi and Private Hire Vehicle Licensing: Protecting Users. Statutory Guidance for Licensing Authorities (February 2019)

Rotherham Metropolitan Borough Council Hackney Carriage & Private Hire Licensing Policy, https://www.rotherham.gov.uk/downloads/file/2473/rotherham_mbc_taxi_and_hackney_carriage_policy

Cabinet Report, 23rd December 2019, Review of Hackney Carriage and Private Hire Licensing Policy

Council Approval Required

No

Exempt from the Press and Public

No

Hackney Carriage and Private Hire Licensing Policy Review

1. Background

- 1.1 In July 2015, the Council published a revised policy that set out the Council's approach to Hackney Carriage and Private Hire licensing. This policy set what are generally accepted as being the highest standards with regard to taxi and private hire licensing in the UK. Many of the standards have subsequently been adopted by other local licensing authorities and been included in revised national guidance.
- 1.2 The Council is striving to build on the foundation created by the policy, and maintain the position of the Council as being recognised as one of the leading authorities nationwide in relation to Hackney Carriage and Private Hire licensing.
- 1.3 The current policy is clear that periodic review is essential to ensuring its continued success. A review process was set out in the policy that ensured it was reviewed twelve months after its introduction, followed by a formal policy review three years subsequently. The initial twelve month review was completed in July 2016.
- 1.4 The policy introduced in 2015 brought significant improvement in the regulation of the taxi and private hire trade. It has ensured that drivers, vehicles and operators are of the highest standard.
- 1.5 Despite being confident in the standards of the policy, a formal review is now necessary to ensure that the Council is still driving standards at a national level. Changes in national guidance, feedback from the public, and from the licensed trade, has given options to further improve the policy and ensure the calibre of licence holder in Rotherham remains at the very highest level.
- 1.6 A report was submitted to Cabinet in December 2019, which recommended consulting on the draft Policy. Cabinet authorised officers to commence consultation as outlined in that report.

2. Key Issues

- 2.1 The Council developed a number of proposals that were included in a drafted revised policy, alongside asking for ideas and suggestions from a wide range of groups. Following significant consultation (see Appendix 3), the following changes have been included in the final policy:

2.2 Public Sector Equality Duty

The Equality Act 2010 places a duty on the Council to have due regard to:

- eliminate unlawful discrimination;
- advance equality of opportunity between people who share a protected characteristic and those who don't;
- foster or encourage good relations between people who share a protected characteristic and those who don't.

Although private organisations and individuals are not legally required to comply with this duty, those licensed by the Council should be seen to act in accordance with this duty. The Council propose that clauses should be added to the 'Fitness and Propriety' requirements for both drivers and operators.

Through the online consultation, 85% of respondents agreed or strongly agreed that drivers and operators should have to comply with the duty, as well as it being used to protect drivers from unfair discrimination. All forums visited were also supportive of this change.

2.3 Driver Medical Assessments

Applicants and drivers are required to satisfy the Council's prescribed medical assessment, which follows the requirements of DVLA Group 2 Medical Standards. Currently, drivers must have a medical examination from their registered GP. However, feedback from trade representatives suggested that some drivers were having difficulty in booking a medical examination.

Through consultation, the Council asked whether drivers had ever had any difficulty in booking a medical at their registered GP. 67% of drivers stated that they had previously had an issue.

Drivers were also asked if the proposal to allow another registered GP to carry out a medical in exceptional circumstances, and with permission from the Licensing Service, would solve this issues that they faced. 90% of drivers agreed that this proposal would be suitable and would solve the problems faced.

Concerns were raised by the Rotherham Safeguarding Adults Board, as well as from members of the Clinical Commissioning Group (CCG) about allowing GPs that were not the registered practitioner to carry out medical assessments, as the Council requires that the examining doctor has full access to the medical record, which can normally only be accessed by an individual's registered GP.

However, other licensing authorities, as well as Government agencies, allow other GPs to undertake these assessments in some circumstances, and request written declaration from the provider that the full medical record has been viewed and assessed.

Therefore, the Council propose that when a medical is required, applicants shall provide a completed medical assessment form supplied by the Council and completed by their own General Practitioner's practice. However, in exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP. This GP must provide a written declaration to the Licensing Manager that the full medical history of the applicant has been viewed and assessed.

2.4 Ancillary Operator Staff

Operators are required to obtain a Basic Level DBS check before a licence is granted. This is the only check that can be carried out on an operator as an enhanced check can only be requested for those people who work in particular professions. Taxi and Private Hire Drivers are subject to an enhanced DBS check.

Although Operators are checked, individuals that work in certain roles within operator bases who have access to significant amounts of sensitive and personal information, are not currently subject to any checks. The benefits of background checks on these 'ancillary' staff is clear to the Council. This amendment is also recommended as part of the new national statutory guidance to Licensing Authorities.

Through consultation, 67% of respondents agreed that 'ancillary' staff should have these checks carried out. The trade raised concerns in two areas regarding these checks:

1. It should be the decision of the Operator to hire any employee, regardless of the convictions that may appear on a DBS certificate. The Council accept this principle but believe that the decision to hire somebody with convictions listed on the Council's 'Conviction Policy', may call into question the fitness and propriety of that Operator to hold a licence.
2. There should be further clarity on how this will be enforced on all operators. Larger operators may employ or use services from people outside of the borough, and sometimes in other countries. In this instance, the Council could not require a DBS check for these individuals. Therefore, the trade believe that this condition may place an extra burden on local operators, whilst not being enforced on larger companies.

Based on the response to the consultation, the Council believe that a slight amendment to the original proposed policy is needed to implement this change. Operators would therefore be required to obtain a Basic Level DBS check for all staff that work in 'ancillary' roles, which the Council defines as having access to a booking or telephony system. These records should be maintained by the Operator and made available to the Council on request.

Where a DBS check cannot be carried out on a member of staff that meets the criteria listed above (for example, the employee resides outside of the UK), the operator must first prove that a DBS check cannot be provided for an individual, and then outline the steps they have taken to demonstrate how they are satisfied that an individual in an 'ancillary' role is a fit and proper person. The evidence provided by the employer would be presented to the Licensing Board in order to confirm that these checks are equivalent to a basic level DBS.

2.5 Refresher Training

All applicants are required to pass a safeguarding awareness course, a driver knowledge test and an advanced driving assessment before they are issued with their licence. These assessments include a practical driving test, modules on topographical knowledge, routes, disability awareness and customer services, as well as protecting children and vulnerable adults from harm.

Once a driver has passed these requirements, there is currently no further requirement for training to be updated or 'refreshed'. The draft policy proposed that all training requirements should be required every three years, which is the standard duration of a licence.

Through consultation, there is clear agreement that safeguarding training should be regularly reviewed as taxi drivers have a clear role to play in safeguarding children and vulnerable adults. 60% of the public believed that this training should be regularly refreshed, alongside 25% of the trade.

However, both the trade and members of the public disagreed that drivers should have to re-sit knowledge tests and advanced driving assessments every three years. 80% of respondents disagreed that drivers should have to undertake periodic re-assessment of their practical driving skills, believing this should only be required for drivers who receive complaints against them. Licensing Board sub-committee are already able to mandate a practical driving assessment if appropriate.

Based on the response, it is recommended that the proposal is changed to provide a 'refresher course' for drivers, which would be undertaken every three years. This would focus on current safeguarding issues and elements of the driver knowledge course, such as disability awareness and customer services. This course would be completed in the three months before a driver renews their licence. It is proposed that an advanced driving assessment is not required at licence renewal, unless there are specific concerns raised during the licence period and this is mandated by Licensing Board.

2.6 Driver Identification

Legislation states that all drivers must identify themselves by "wearing a badge in such a position and manner as to be plainly visible". This means that a driver must 'wear' their badge upon their body, which is currently mandated to drivers through a clip or lanyard.

Feedback from the trade suggested that this should be reviewed to broaden the ways that drivers can wear their badge and still be legally compliant. The original proposal was to extend how a badge could be displayed, allowing an armband with a transparent pouch, to be worn on their left arm, where their badge can be clearly seen by all passengers within the vehicle.

65% of drivers cited issues with the current badge. Feedback through the drop-in sessions and trade representative meetings was that an armband was seen a positive alternative to wearing a clip badge. The 428 drivers who did raise concerns were predominately focused on the size of the current badge, which they believe is too large. However, the size of the badge is not stated in the policy, so this is considered out of scope for this review. These comments will be addressed within the service, in consultation with the trade.

Therefore, the Council believe the original proposal is sufficient to address this issue and should be unchanged in the final policy.

2.7 Vehicle Signage

The current policy mandates nine conditions for vehicle signage which applies to all vehicles licensed by the Council. However, with approval from Commissioners, only four of these conditions were actively introduced and the permanency of signage was suspended, allowing signage to be removed by the driver when the car was parked outside of their home address.

Through consultation, the Council asked whether the current signage on vehicles is sufficient, or whether the nine conditions should be introduced in full. 78% of respondents thought that additional signage was not needed.

Further information from the trade and community groups suggests that more, and permanently fixed, signage may intensify current issues with anti-social behaviour and hate crime incidents against taxi drivers. A key theme from the consultation responses was that signage should only be needed on a vehicle when it is being used for hire and reward. Although the Council recognise the issues that some drivers face, a licenced vehicle should be clearly signed to show it as such, in order to maintain public safety. Therefore, the Council do not believe that signage should be removed when the vehicle is being used for any purpose other than hire and reward, but do propose to allow drivers to remove signage when the vehicle is stationery outside of their permanent residential address.

One of the five existing conditions which is not in place is a notice identifying the current driver of the vehicle. A notice on the dashboard which is clearly visible to all passengers was raised as a recommendation through the driver identification section of the consultation.

The public were also asked if the audio activation button which is fitted to all Rotherham vehicles is clearly signed. 34% of respondents were unaware of audio recording within vehicles which clearly shows that further signage needs to be included to make this more visible.

Finally, members of the trade and community groups raised that the Council could include a notice which informed customers that abuse towards drivers will not be tolerated. Therefore, the notice which is displayed in the rear window of a vehicle will be redesigned to give information to passengers inside, as well as outside of the vehicle. This will include a statement of this nature, alongside the licence number of the vehicle to ensure that this is visible to all passengers.

Therefore, the Council believe that the four existing signage requirements are sufficient to identify a Rotherham licensed vehicle. The existing requirement to identify the driver of the vehicle through a notice, clearly visible to all passengers within a vehicle, will also be made compulsory, alongside a new requirement for a sticker which fits around the audio activation button. It is therefore proposed to remove all other signage requirements, which are not currently imposed, from the policy.

References to permanent signage will be removed from the policy, and the Council will allow drivers to remove exterior signage from their vehicle when parked outside of their permanent residential address. However, the requirement to display signage on the vehicle at all other times, is proposed to remain.

To ensure a vehicle licensed by Rotherham is distinct and clearly visible, a separate piece of work will take place to redesign the current vehicle plate and door sign template, in consultation with the trade.

2.8 Camera Storage

The current policy requires that a vehicle camera system must be capable of storing fourteen twenty-four hour periods of footage (336 operational hours) at a specified quality.

The Council originally proposed to extend this to twenty-one twenty-four hour periods (504 operational hours) based on analysis of complaints data which shows that on average, a complaint takes 9.2 days to reach the Council.

Although a question was not asked on this within the online consultation, members of the trade have raised concerns that extending this requirement will bear a cost implication for drivers who use certain camera systems. However, this will be a small number of drivers and the cost incurred will only include the installation of a larger hard drive.

Other forums such as Youth Cabinet and Licensing Board believed that twenty-one days was not sufficient to ensure the safety of the public and recommended a twenty-eight day period was mandated. However, when deciding a future policy, the Council should also take into account the concern of drivers around the cost of further storage, as well as issues surrounding data retention.

Based on the evidence available, the Council believe that the original proposal of twenty-one periods of twenty-four hours is therefore a reasonable balance between the two positions. Drivers will be given a transitional period to meet this requirement which is detailed in Appendix 4 of this report.

2.9 Ultra Low Emissions Vehicles (ULEV)

As part of the proposals for a Clean Air Zone in Rotherham, the Council has proposed, through its Outline Business Case to government agreed by Cabinet in December 2018, to support licensed drivers to invest in ULEVs. It is recognised that these cars are currently more expensive than traditional petrol or diesel vehicles but deliver significant benefits to the environment within Rotherham and the wider area, as well as reducing carbon emissions.

However, significant concerns have been raised through the consultation by the trade regarding the availability of current technology, charging infrastructure and cost. Although many drivers agree in principle that ULEVs would be beneficial to both themselves and the environment, there is a belief that the current technology does not provide the range needed for a driver to undertake their job, and the charging infrastructure across the borough is not currently sufficient for the number of licensed vehicles; although it was acknowledged that infrastructure was improving rapidly.

Overall, 27% of drivers were unsure if they thought the Council should incentivise drivers, with a further 34% believing that the Council should not provide any incentives at this time.

Based on this information, it is proposed that a statement is placed in the policy which recognises the importance of ULEVs and the Council's responsibility in further improving a fleet which is already of high quality in terms of both age and emissions. It is then proposed that further work would take place through the Council's annual Fees and Charges process to assess the potential for incentives and allow the Council to consider varying licensing fees for ULEVs if appropriate and financially viable. This would also allow for an annual review of the position, recognising the pace of change within this sector.

2.10 Through the consultation process, other issues have been brought to the Council's attention, which were not proposed in the initial consultation. These are described in the following paragraphs.

2.11 Vehicle Plate Duration

Through the consultation, drivers, trade representatives and the Licensing Board have requested a change to the administrative process of issuing licences.

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.

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.

This would 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.

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".

There is a risk that non-compliance may arise if only one plate is issued. It is also the case that, whilst this proposal has been raised by both the trade and Licensing Board during the consultation process, no public consultation has taken place.

The Council therefore proposes to undertake a further consultation on this aspect of the Policy and to report back to Cabinet with a proposal for agreement, later in 2020. If Cabinet approve a change, it could be implemented from 1st January 2021.

2.12 First Aid Kits and Fire Extinguishers

The conditions currently attached to all vehicle licences require that a fire extinguisher and first aid kit are fitted within the vehicle. This is a common condition applied to licences across the country. However, the trade believe that this is an onerous condition which is costly to drivers, without giving any benefit, as drivers are not trained in first aid or dealing with fires. Therefore, the trade has requested that these conditions be removed from the revised policy.

Although drivers do not have first aid training, having the necessary materials in a vehicle means that a passenger or driver can administer first aid on themselves if required. The local CCG also believe this condition should be required, as off-duty medical staff could be able to use the first aid kit in an emergency. Furthermore, the Council considers that the Health and Safety at Work Act 1974 may also be applicable to drivers, which states that all employees have to take reasonable care for the health and safety of themselves or other persons who may be affected by their acts at work.

The Council also recognise that drivers have a duty to protect themselves and passengers from fire in the first instance, and this should be the priority of every driver if a fire breaks out. However, having a fire extinguisher present may aid drivers in some circumstances. South Yorkshire Fire and Rescue agreed with this position and gave examples of minor cases of fire where an extinguisher could be used by a driver to prevent a more serious incident.

The Council therefore propose that both of these conditions will remain in the policy and that the current conditions will not change.

2.13 Compliance Testing

The trade has raised issues regarding the frequency of compliance testing. Currently, the Council require one compliance test per year for a vehicle aged under three years, two tests for a vehicle aged between three to five years, and three tests for vehicles aged over five years.

The trade believes that assessing the number of compliance tests needed based solely on the age of the vehicle is not best practice and instead, the condition and test history of the vehicle should be considered. This could include the number of faults recorded on a vehicle test, the current mileage of the vehicle and its service history.

The Council believe that the current approach is adequate and that the age of the vehicle is the key factor when assessing the risk of a vehicle not complying with the Council's policy. A risk based approach to compliance testing would create a significant administrative burden for the Licensing service and require a vehicle assessor to report and evidence the proposed next compliance test date for every vehicle on an individual basis. This would add significant cost to the current process.

On balance therefore, whilst the Council has taken on board the responses received, it is proposed that the current process for compliance testing should remain unchanged.

3. Options considered and recommended proposal

- 3.1 In December 2019, Cabinet agreed for Officers to undertake a consultation about the Council's Hackney Carriage and Private Hire Licensing Policy. This set out a number of proposed changes which were included in a draft revised policy. Through consultation, a number of changes have been made to the original proposals, which are detailed in Section 2. Cabinet have a number of options to consider:
- 3.2 **Option 1:** The Council could decide to not make any changes to the current policy and implement the same policy that is currently used within Rotherham.
- 3.3 **Option 2:** The Council could agree to the proposed changes outlined in this report and formally adopt the policy attached as Appendix 2.

3.4 The preferred option is Option 2. This option takes into account all of the consultation responses that were received, as well as the views of the forums, groups and boards that were attended by officers through the consultation process. The proposed changes reflect the views of the public, the trade, the Council and its partners, and would form a policy that continued to drive standards across the country.

4. **Consultation on proposal**

4.1 The Council carried out an in-depth consultation in January and February 2020, focussed on eight proposed changes to the policy. These changes were formed from the initial views of the trade, Elected Members, and members of the public, alongside changes to statutory guidance.

4.2 Through the consultation, a number of other changes were brought forward by members of the trade, elected members and partner agencies. Some of these proposals have been adopted into the revised policy attached to this report and are outlined in Section 2.

4.3 The consultation comprised three key areas:

1. Online Consultation
2. Meetings and Forums
3. Drop-in sessions

4.4 The online consultation received 964 responses; 651 from the trade and 313 from members of the public. The responses to the consultation have been considered in Section 2 of the report. A full summary of the consultation responses can be found in Appendix 3.

4.5 The Council also consulted with the following forums, committees and groups:

- Licensing Board
- Safer Rotherham Partnership Board
- Rotherham Adult Safeguarding Board
- Rotherham Children's Safeguarding Board
- Youth Cabinet
- Older People's Forum
- Taxi Trade Liaison Committee
- Community Reference Group
- Madrasa session at Jamia Masjid, College Road, Masbrough
- Women's Forum at the Unity Centre.

4.6 Three drop-in sessions were also arranged for taxi drivers and members of the public. Across these sessions, approximately forty drivers attended. There was not any attendance from members of public.

5. **Timetable and Accountability for Implementing this Decision**

5.1 Should Cabinet approve this policy, it will be implemented following the standard call-in period. It is expected that the new policy will take effect on Friday 1st May.

5.2 However, a number of elements of the new policy will require transitional arrangements to be in place. An implementation scheme is attached as Appendix 4, outlining the length of time that existing drivers, vehicle owners and operators will be given to comply with specific changes to the policy.

6. Financial and Procurement Advice and Implications

6.1 There are no direct procurement implications arising from the recommendations detailed in this report.

6.2 The costs of the Council carrying out its statutory duties as a Hackney Carriage and Private Hire licensing authority, and the subsequent enforcement of these functions, of which the Policy forms part, are contained within the Council's approved Licensing revenue budget, the costs of which are met by fees.

6.3 Fee levels are set at the discretion of the Council for the areas covered by this Act. A further public consultation on the issuing of licence plates may allow for cost reductions which will go toward balancing the overall Licensing account, subject to all approvals.

7. Legal Advice and Implications

7.1 The Council is responsible for the regulation of Hackney Carriage and Private Hire licensing in the Borough. There is no legal requirement to have a policy in place; however, such a policy is necessary to ensure proper regulation of the trade and ensure that high standards are established and maintained. In order for such a policy to be fit for purpose, it needs to be regularly reviewed and amended to reflect change, so that regulation of the trade is consistent and remains effective. Regulation is essential to ensure effective safeguarding in the Borough.

7.2 Failure of the Council to properly regulate Hackney Carriage and Private Hire licensing in the Borough and the failure to maintain a policy that is fit for purpose leaves the Council and any decisions made in relation to licensing open to legal challenge. Any such challenge carries both financial and reputational risk for the Council.

7.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.

7.4 The Council must have regard to all relevant legislation and ensure that the consultation responses are conscientiously considered when deciding on the content of the policy, in order to minimise the risk of any legal challenge.

7.5 Any decisions made by the Council in relation to the changes to the policy must be rational, considering all relevant factors. Failure to do so could open up the policy to legal challenge on the grounds of unreasonableness.

8. Human Resources Advice and Implications

8.1 There are no direct human resources 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 CBE 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

Paul Woodcock, Strategic Director of Regeneration and Environment
Tom Smith, Assistant Director of Community Safety and Street Scene.

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	05/03/20

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