

CABINET

**Licensing Regulatory Committee Referrals
26th April 2016**

Report of Chief Officer (Environment)

PURPOSE OF REPORT			
To allow Cabinet to consider two items referred by the Licensing Regulatory Committee			
Key Decision	<input type="checkbox"/>	Non-Key Decision	Referral from LRC
Date of notice of forthcoming key decision	NA		
This report is public			

RECOMMENDATIONS OF Chief Officer (Environment)

- (1) That Cabinet considers that the current plates issued to hackney carriages/ private hire vehicles are appropriate and consistent with best practice.
- (2) That Cabinet considers that the current system of testing hackney carriages/ private hire vehicles is appropriate, in terms of frequency and rigour, and satisfactory to ensure high standards of safety for the public, and consistency between vehicles

1.0 Introduction

- 1.1 At its meeting on 24th March 2016 the Council's Licensing Regulatory Committee decided to refer two items to Cabinet for consideration. There were-
- Hackney Carriage and Private Hire Vehicle Plates
 - Testing of Hackney Carriages and Private Hire Vehicles

The reports that accompanied these items are attached at Appendix 1 and 2.

- 1.2 The context in which both items were discussed by the Committee meant it was proper for Licensing Regulatory Committee to request Cabinet, in its role as Executive and overseer of services, to consider them further.
- 1.3 As will be seen in the report is it is very clear that some of the trade feel that the two issues Cabinet are asked to consider should be dealt with differently than they are now.

1.4 When considering these items it is important to consider that, as an ensuring Council, the Council's ethos includes the following which are particularly relevant to this –

- Stewardship- ensuring the social, economic and environmental wellbeing of the local area.
- Core capacity- maintaining the strategic advantages of in-house services to meet local needs.
- Policy- grounding local decision making in political accountability
- Sustainability- ensuring that the council contributes positively to the challenge of climate change and the need to manage our environment.
- Value for money- focusing on economy, efficiency and effectiveness.

1.5 It is also important to consider the responsibility the Council has in relation to regulation of hackney carriages and private hire vehicles. This responsibility is primarily a regulatory one that is defined in law. This is an important distinction from some of the other service issues that Cabinet sometimes considers.

1.6 It is also necessary for Cabinet to consider the resource implications of changing the current service in these areas. The budget has already been agreed and officer capacity is committed to delivering that budget. Any changes are likely to require reallocation of resources.

2.0 Proposal Details

2.1 Hackney Carriage and Private Hire Vehicle Plates

2.2 **Background** – At its meeting on 24th March 2016 the Licensing Regulatory Committee received a report of the Chief Executive to enable the Committee to consider an issue that was raised at a recent Taxi Surgery, when a member of the trade had suggested that the licence plate displayed by all licensed hackney carriages and private hire vehicles should no longer bear an expiry date, and that there should be a disc displayed in the windscreen indicating the expiry date

2.3 It was reported that the issue had been raised at Taxi Forum meetings over a period of years. Officers had always advised Members that, in their view, it was appropriate to include the expiry date on the plate itself, and that the interests of public safety outweighed the cost of changing the plate on expiry.

2.4 Currently, including Lancaster, 12 of the 14 Lancashire licensing authorities included expiry dates on their vehicle plates. Of the two that did not, it was understood that one was considering introducing expiry dates. One authority had indicated that it had introduced the expiry date following criticism from the court when it had prosecuted someone for using a vehicle with an expired licence.

2.5 It was reported that the current plates were appropriate and consistent with best practice. It would be open to the Committee to refer the matter to Cabinet (in its role as Executive) if Members were of the view that the content of plates should be changed.

2.6 It should be noted that the primary reason for regulating taxis and private hire vehicles is to protect the public. The licence plating system that is currently in place provides a level of reassurance in this regard. No public safety reason has been put forward as to why the current system should change.

- 2.7 The advice of Officers remains that the current plates are appropriate and consistent with best practice.
- 2.8 **Testing of Hackney Carriages and Private Hire Vehicles**
- 2.9 **Background-** The Committee received a report of the Chief Executive to provide information to the Committee about the arrangements for testing hackney carriages and private hire vehicles, in the light of a matter raised at the recent Taxi Surgery, when a number of members of the trade had requested that the Council issue an MOT Certificate, rather than a Certificate of Compliance.
- 2.10 Their reasoning for this was that it would ensure that the history of the vehicle, its mileage and any test failures were available online for future reference, and that it would enable licensed vehicles to be taxed online. It was also suggested that vehicles could be tested less frequently than at present.
- 2.11 It was reported that the Council's Vehicle Maintenance Unit (VMU), which issued the Certificates of Compliance, was also an MOT testing centre. All MOTs were registered with DVSA (Driver and Vehicle Standards Agency) and logged onto their database. If an MOT was issued in addition to the Certificate of Compliance, the administration of the MOT would mean that the total amount of time required for the MOT and Certificate of Compliance would be greater than under the current system. This would increase the costs and delay drivers for longer at the VMU. Increased capacity would be required at the VMU if licensed vehicles were to be issued with an MOT.
- 2.12 Officers were satisfied that the current arrangements for testing vehicles, in terms of frequency and rigour, were satisfactory to ensure high standards of safety for the public, and consistency between vehicles. There was nothing to prevent an individual proprietor obtaining an MOT Certificate independently and separately from the Council's testing arrangements. If the VMU were to issue MOTs as well as Certificates of Compliance, additional staff would be required. This would be a matter for Cabinet, and should the Committee wish licensed vehicles to be issued with an MOT Certificate, as well as a Certificate of Compliance, it would need to ask Cabinet (in its role as Executive) to consider this.
- 2.13 The Council charges £53.00 for undertaking a compliance test. The government set maximum fee for an MOT test is £54.85 for a standard car. The compliance test, however, covers more than a standard MOT and includes items specific to hackney carriage / private hire vehicles. Furthermore to ensure safety the compliance test is undertaken more frequently according to the age of the vehicle. The Council keeps a full record of the compliance tests and outcomes including items like mileage. The Council's primary concern in this regard is that of fulfilling its regulatory responsibilities.
- 2.14 The fact the Council has an in-house vehicle maintenance unit that can undertake this work to fulfil the requirements of our regulatory role means

there is effectively a closed loop in this vital area which in turn provides a high level of assurance to both the Council and to the users of hackney carriages / private hire vehicles.

- 2.15 Officers cannot recommend a reduction in the frequency of testing of licensed vehicles as this could result in a serious risk to public safety. On average these vehicles do over 40,000 miles per year with some doing well in excess of 70,000. Even with the testing at the current frequency the fail rate is high.
- 2.16 The advice of Officers remains that the current arrangements for testing vehicles, in terms of frequency and rigour, ensure high standards of safety for the public and consistency between vehicles and also provide an efficient, economical and effective service.
- 2.17 It should be noted that Officers are not aware of any complaints with regard to the efficiency and quality of service provided by the Council's in-house team.

3.0 Details of Consultation

- 3.1 As outlined in the report these are both issues that have been raised by the trade.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 Cabinet are requested to consider the two issues that have been referred to them by Licensing Regulatory Committee.
- 4.2 In terms of options Cabinet can either confirm that they are satisfied that the current arrangements that are in place or request that Officers develop further options that Cabinet can consider.
- 4.3 The officer view is firmly that the current arrangements are very much fit for purpose in terms of ensuring the Council's roles and responsibilities both with regards to safety, regulation and the need to provide services in an efficient, effective and economical manner. Furthermore, the officer view is that significant change to the current system in these two areas would compromise the Council's ability to undertake its regulatory role effectively.

5.0 Officer Preferred Option (and comments)

- 5.1 The Officer preferred option is that Cabinet considers the two issues referred to them for consideration and based on the evidence provided recommends that no changes are made to the current arrangements.

RELATIONSHIP TO POLICY FRAMEWORK

The Council's ethos includes-

- Stewardship- ensuring the social, economic and environmental wellbeing of the local area.
- Core capacity- maintaining the strategic advantages of in-house services to meet local needs.
- Policy- grounding local decision making in political accountability
- Sustainability- ensuring that the council contributes positively to the challenge of climate change and the need to manage our environment.
- Value for money- focusing on economy, efficiency and effectiveness.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

See appendices

LEGAL IMPLICATIONS

There are no direct legal implications arising from this report

FINANCIAL IMPLICATIONS

None directly as a result of this report. The 2016/17 Licensing budget currently includes costs/income of £38,100 for Hackney Carriages and Private Hire Vehicles testing fees and Cabinet should be minded that if further options are requested there will be potential cost implications to the Council that will need to be considered.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

NA

Information Services:

NA

Property:

NA

Open Spaces:

NA

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

none

Contact Officer: Mark Davies

Telephone: 01524 582401

E-mail: mdavies@lancaster.gov.uk