



<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	LICENSING AND SAFETY PANEL
<b>Meeting date:</b>	15 <sup>th</sup> October 2020
<b>Title of report:</b>	<b>Review of decisions taken by the Council to the Hackney Carriage / Private hire Trade during the covid 19 Pandemic</b>
<b>Report by:</b>	EXECUTIVE DIRECTOR (OPERATIONS)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

## **Executive Summary:**

### **Recommendation(s)**

This report relates to the review of decisions taken by the Council to the Hackney Carriage / Private hire Trade during the covid 19 Pandemic.

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### **OPTIONS & RECOMMENDED OPTIONS**

Members are requested to consider the following:

- To continue with the current arrangements
  - To postpone the Knowledge test until further notice
  - To grant a Hackney Carriage/Private hire Drivers Badges for a 12 month period rather than up to 3 years under the legislation
  - To permit a self-certification declarations in respect of medicals
  - To postpone the receipt of new applications for Hackney Carriage and Private Hire Drivers badges
- To commence with the following arrangements
  - To commence the Knowledge Test forthwith

- To commence the issuing of three year hackney carriage/private hire badges paying the requisite fee forthwith
- To request that all existing driver's that are due a group two medical produce a medical examination certificate from their own doctor or the approved contractor from the 1<sup>st</sup> November 2020
- To commence taking new applications for Hackney Carriage/Private hire drivers badges forthwith
- To consider any of the following options which they believe to be appropriate at this time.

## Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

This paper is in the Public Domain.

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## Community impact / Contribution to the Bury 2030 Strategy

Not Applicable

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## Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics

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## Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	.

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## Consultation:

Not applicable

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## Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

The cost of the licensing function are funded through the fees and charges levied by the Council.

Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.

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## Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals

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## Report Author and Contact Details:

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## Background papers:

Emergency Powers Group reports

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
None	

### 1.0 BACKGROUND

- 1.1 As a result of the COVID 19 Pandemic lockdown a number of practical matters were required to be adjusted to ensure safe working practices for clients of the licensed hackney carriage and private hire trade as well as for officers of the licensing service.
- 1.2 The decisions required are council matters that should be approved by council decision which is delegated to Licensing and Safety Panel. The scheduled meeting was 24th July 2020 and these matters were required to be implemented urgently to enable driver and vehicle licences due for renewal not to lapse.
- 1.3 In light of this an urgent report was considered by the Council Emergency Powers group on the 14<sup>th</sup> July 2020
- 1.4 The licensing Service requested the authorisation for the following matters:-
  - **To postpone the receipt of new applications for Hackney Carriage and Private Hire Drivers for a period of three months until the 30th September 2020.**

This was requested as new applicant driver's would not be able to satisfy the Council's pre-requisites before applying for a licence as a result of partner agencies taking decisions to the suspend their services as a result of Covid 19 this included providers of taxi driving tests, safeguarding training, and communications tests

**To suspend the requirement for medical examinations for Hackney Carriage and Private Hire Driver's renewal applications until the 30th September 2020.**

Drivers are required to produce medical certificates that prove that they meet the DVSA Group 2 Medical Fitness to drive. Drivers were experiencing difficulty getting medical appointments due to Doctors

amending their working practices following the COVID19 pandemic. The Licensing Service currently require drivers to self-certify medical fitness and submit to medical examinations as required by the licensing authority once such appointments become easily available.

- **To issue a twelve month hackney carriage and private hire badge driver licence provided that all the requirements to hold the badge have been satisfied.**

This was done following the request to provide some financial assistance to drivers, the reduced length could therefore attract a reduced charge and only costs £60 instead of £180 which is the cost for a 3 year licence.

- **To suspend the provision of the required Private Hire & Hackney Carriage knowledge test for new applications until further notice due to the Covid 19 pandemic.**

The reason for this is due to the following of guidelines on safe working practices which affect licensing staff. In addition the need to implement social distancing measures for drivers attending for the test and reducing the transmission of Covid 19. The provision of individual tests for drivers is not viable.

- 1.5 On the 24<sup>th</sup> July 2020, an additional report was considered by members in relation to these matters and members resolved to note the report and work of the licensing service

## **2.0 ISSUES**

- 2.1 The Licensing Service have reviewed the previous decisions and would like members to consider whether or not to reinstate the following:

- To re-commence the provision of the Knowledge Test for new applicant drivers

The preferred option would be not to re-instate this at the current time due to the current North of England Regulations which state that households should not mix and current government guidance means that people should work from home.

- To re-commence the issuing of three year hackney carriage/private hire badges, with drivers paying the requisite £180 fee.

The preferred option would be to continue issuing 12 month drivers licences.

- To re-commence the requirement that all existing driver's that are due a group two medical produce a medical examination certificate from their own doctor or the approved contractor.

This would be the preferred option.

- To re-commence the receipt of new driver applications for Hackney Carriage/Private hire driver's badges.

The preferred option would be not to re-instate this at the current time due to applicants not being able to fulfil the requirements of the application process due to not being able to undertake the Knowledge test.

### **3.0 CONCLUSION**

3.1 Members are requested to consider the report.