

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

1. Decision Taken:

To amend the current Hackney Carriage and Private Hire Licensing Policy (“the Policy”) to allow for applicants to obtain an MOT from *any* registered MOT garage as regards the roadworthiness of their vehicle. Also, that the assessments associated with the Council’s adopted standards for use of these vehicles as Hackney Carriages and/or Private Hire vehicles be brought in-house. This amendment reflects the recent decision by North Hertfordshire Homes to close their vehicle testing facility in Letchworth Garden City which is the Council’s current nominated testing facility.

2. Decision Taker:

Head of Housing and Public Protection in consultation with the Executive Member for Housing and Environmental Health.

3. Date Decision Taken:

23rd September 2016

4. Summary of Background:

The existing policy requires all applicants for a hackney carriage or private hire vehicle licence to successfully undertake an MOT and compliance test at the Council’s nominated garage, North Hertfordshire Homes’ depot in Letchworth. The depot will be permanently closing on 30th September 2016 therefore the Council needs to source an alternative testing provider.

The Policy is currently being re-considered in its entirety and the future testing provisions can form part of that review exercise, including consultation, which is due for publication in 2017.

In order to allow vehicle testing to continue, therefore ensuring continuity of trade for existing licence holders and opportunity for new applicants, interim arrangements are necessary. Sourcing a new sole provider may be subject to a procurement exercise and a number of establishments have already contacted the Council to express an interest in undertaking that function.

Any registered MOT provider is bound by national standards therefore there is no reason not to accept an MOT from any such company. Compliance testing is more subjective however as it is an assessment of the visual appearance of the vehicle and compliance with the Council’s specific policy requirements. In order to ensure consistency of this aspect of licensing, licensing officers are best placed to undertake this requirement during the *interim* period. This additional service provision will be subject to a £20 fee, the same fee as previously charged by North Hertfordshire Homes; this also provides a revenue generating opportunity for the Council (approximately 375 test are undertaken annually resulting in a potential income of £7,500 p.a.).

5. Directorate:

Planning Housing and Enterprise

6 Notification Date:

30th September 2016

Implementation Date: 3rd October 2016

7. Reason for Decision:

To allow sufficient time for full consideration of, and consultation on, the implementation of new testing arrangements as part of a revised Hackney Carriage and Private Hire Licensing Policy once officers have had the opportunity to fully research all options. In the absence of interim testing arrangements, vehicles would not be able to meet the policy requirements for obtaining a licence therefore restricting existing and new trade.

8. Other Options Considered:

Due to the concern over the consistent implementation of subjective compliance testing criteria and the possible procurement implications, no other alternatives are readily implementable at this stage.

9. Consultations:

The Hackney Carriage and Private Hire Licensing Forum has been informed of the proposed amendment to the Policy and the Executive Member for Housing and Environmental Health was consulted as part of the decision-making process.

10. Legal Implications:

The Council's Constitution provides for the Executive Member for Housing and Environmental Health to make minor amendments to local policy.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, allocate the responsibility for licensing functions to the Council rather than the Executive. The functions specifically allocated are the power to licence private hire and hackney carriage vehicles, drivers, and operators. As local licensing policy is not specifically listed with the 2000 Regulations, the adoption of a policy can be an Executive function. This is consistent with the approach taken when adopting the Policy which was a decision taken by Cabinet.

The Hackney Carriage and Private Hire Licensing Policy states at paragraph 12:

12.1

Where there are specific provisions within the policy for making amendments, for example Section 8.2.1 that provides for an annual addendum to be published detailing the revised table of authorised fares, the Head of Housing and Public Protection may authorise that amendment without further consultation. This does not compromise, however, any other consultation that may be undertaken by the Council in relation to such amendments, for example the consultation process in determining the new table of fares.

12.2

Any substantial amendment to this Policy, not specifically provided for as detailed in Section 12.1 of this Policy, will only be implemented after further consultation with the trade and the public. All substantial amendments must be authorised by the Elected Members.

For the purpose of this section, any substantial amendment is defined as one that:

- will have a significant financial impact on licence holders or the public, or*
- will have a significant procedural impact on licence holders or the public, or*
- may not be perceived by the trade or the public to be consistent with the published objectives detailed in Section 1.3 of this policy*

12.3

Any minor amendment to this policy, not specifically provided for as detailed in Section 12.1 of this Policy, may be authorised by the Head of Housing and Public Protection in consultation with the Executive Member responsible for Housing and Public Protection. For the purpose of this section, any minor amendment is an amendment not defined as substantial in Section 12.2 of this Policy.

11. Financial Implications:

The only financial implications arising from the proposed amendment is an additional annual income of approximately £7,500 pa.

12. Risk Implications:

There are no risk implications arising from the proposed amendments.

13. Equalities Implications:

The Public Sector Equality Duty required under the Equality Act 2010 is considered as part of the application and determination process on a case by case basis. For example, where potential applicants have a difficulty in understanding the application process due to English not being their first language, appropriate assistance is given at that time.

14. Social Value Implications:

As the recommendations made in the report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied.

15. Human Resource Implications:

There are no human resource implications arising from the proposed amendments as the compliance testing will be undertaken by existing staff.

16. Background Papers:

Hackney Carriage and Private Hire Licensing Policy 2011 – 2018

Signature of Decision Taker

