

REPORT TO: STRATEGY AND RESOURCES COMMITTEE
Date: 12 April 2021
**TOPIC: PROPOSED EXTENSION OF EXISTING POLICY
DEROGATIONS DUE TO COVID-19**
REPORT BY: PUBLIC PROTECTION MANAGER

1 INTRODUCTION

- 1.1 The purpose of this report is to detail a recommendation from the Council's Licensing and Community Safety Committee made on the 9 February 2021. The recommendation is for a continued extension of derogations approved by the Chief Executive in March 2020, in respect of the Council's Hackney Carriage and Private Hire Licensing Policy. Extensions are being proposed due to the continuation of effects on business from Covid-19.
- 1.2 The areas of policy for which continued derogations are sought relate to the maximum age of hackney carriage and private hire vehicles, and fees.

2 RECOMMENDATIONS

- 2.1 That Strategy and Resources Committee approve the recommendation made by Licensing and Community Safety Committee of the 9 February 2021. Namely, that the following derogations from the current North Devon Council Hackney Carriage and Private Hire Licensing Policy are made:

- 2.1.1 Derogation to Hackney Carriage and Private Hire Licensing Policy with respect of maximum vehicle age:

The Council will if a hackney carriage or private hire licence is surrendered and provided that an application is received for a further grant of the same vehicle up until the 1st July 2021, waive the following policy requirement (Section 3.5).

'Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a hackney carriage licence is made when the vehicle in question is more than 5 years old, the application must be referred to the Licensing Sub-Committee for consideration.'

The presumption is that licences will not be granted for vehicles over 5 years old, but each application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant.'

- 2.1.2 Derogation to Hackney Carriage and Private Hire Licensing Policy in respect of fees (Section 16.3):

If an individual wishes to surrender a licence until its expiry, due to concerns over transporting passengers etc., then re-applies, the Council allow them the pro-rata fee (according to the licence period remaining) off a future licence application (for the same licence only), if made up until the 1 July 2021.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Covid-19 continues to have unprecedented effects on the health of the UK population, which in turn is having sustained effects on the hackney carriage and private hire licensed trade.
- 3.2 To support the licensed hackney carriage and private hire community.

4 REPORT

- 4.1 Covid-19 has hit many businesses hard, including that of the hackney carriage and private hire licensing trade.
- 4.2 There are two areas of the existing Hackney Carriage and Private Hire Licensing Policy which require repeated consideration in light of the sustained impacts of Covid-19.

Maximum Age of Vehicles

- 4.3 The Council's Hackney Carriage and Private Hire Licensing Policy 2016 cites:

'Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a hackney carriage licence is made when the vehicle in question is more than 5 years old, the application must be referred to the Licensing Sub-Committee for consideration.'

The presumption is that licences will not be granted for vehicles over 5 years old, but each application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant.'

- 4.4 Covid-19 has impacted the taxi and private hire trade. Vehicle proprietors have requested to surrender vehicle licences in light of lack of trade, and in order to cease working to protect themselves.
- 4.5 Members of the trade were concerned by the above policy and whether they would be able to licence their hackney carriage vehicles again if they are in excess of 5 years old.
- 4.6 As such, the Chief Executive took an urgent decision in March 2020 to make a temporary derogation to the above policy. This was at a time prior to Licensing and Community Safety Committee be hosted virtually. A decision of the committee to make recommendations for ongoing derogations is now appropriate.
- 4.7 In terms of a derogation the Council provided assurance to vehicle proprietors that if a licence was/is surrendered, and provided an application was/is received for a

further grant of the same vehicle in 2020/21, then this Policy requirement would be waived.

- 4.8 Due to the continued situation with Covid-19 it is suggested that this derogation be extended until the 1 July 2021, at which point the Council will review the circumstances once again.

Licence Fees for hackney carriage vehicles, drivers and operators

- 4.9 Akin to the above, queries also arose in terms of fees for hackney carriage vehicles, drivers and operators, and whether if licences were surrendered (due to implications of Covid-19) the Council would refund fees. Fees in this instance are locally set, and are substantial in terms of their cost.
- 4.10 The Chief Executive in making an urgent decision in March 2020, determined that if an individual wished to surrender a licence until its expiry, due to concerns over transporting passengers etc., and then they re-applied, the Council would allow them the pro-rata fee (according to the licence period remaining) off a future licence application (for the same licence), if made in the 2020/2021 financial year.
- 4.11 Due to the sustained impacts of Covid-19 the recommendation as part of this report is that the policy of not making fee refunds (Section 16.3 of the Council's Hackney Carriage and Private Hire Licensing Policy) be extended in the same way as that outlined in paragraph 4.10 above, and up until 1 July 2021, at which point this position will be reviewed.

5 RESOURCE IMPLICATIONS

- 5.1 There is no additional workload associated with this report.
- 5.2 Now the Government has provided the roadmap for the easing of lockdown, there is likely to be a minimal impact on the taxi and private hire licensing budget, however due to the fact that the number of drivers wishing to surrender their licences or their vehicle or operator licences, exact figures are unknown.
- 5.3 In light of the fact that it is not proposed to make any immediate refunds, there will be no impact until such time as any subsequent application is made to the Council, (when a reduced fee would be received).

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3, Annex 4	Delegated

7 STATEMENT OF CONFIDENTIALITY

- 7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report:

- North Devon Council Hackney Carriage and Private Hire Licensing Policy 2016

The background papers are available for inspection and kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

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Date: 10/03/21