

Name of meeting: Licensing and Safety Committee

Date: 20th July 2021

Title of report: Licensing Service Standards

Purpose of report: The purpose of this report is to inform Members of proposed service standards in relation to the processing of private hire and hackney carriage applications and ask that Members endorse the standards.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Colin Parr – 07th July 2021 Eamonn Croston – 05th July 2021 Julie Muscroft – 06th July 2021
Cabinet member portfolio	Cllr Will Simpson - 7th July 2021

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes – any personal data has been redacted for the purposes of this report.

1. Summary

- 1.1 The purpose of this report is to inform Members of proposed service standards in relation to the processing of private hire and hackney carriage applications and ask that Members approve the standards attached at **appendix 1**

2. Background

- 2.1 The licensing service process applications and enforce against a wide range of range of areas, these are:

- Taxi and Private Hire Licensing,
- Licensing Act – Premises licenses, club premises certificates, personal licences, Temporary Event Notices,
- Gambling Act,
- Street trading, street activities, pavement licensing, A-boards, house to house and street collections, car boots and distribution of free printed matter,
- Scrap Metal,
- Sexual Entertainment Venues and Sex Establishments,

- 2.2 The majority of the general licensing areas are governed by strict statutory timescales within which applications must be processed. Hackney and Private hire licensing do not have those same statutory timescales.

- 2.2 Within the regulatory framework governing the private hire and hackney carriage trades, there are three types of licences

- Driver licenses (Dual badges)
- Vehicle licenses (Hackney Carriage and Private Hire)
- Private hire operator licenses

- 2.3 Within Kirklees we currently licence:

Drivers	2835
Vehicles	2215
Operators	128
Total	5178

- 2.4 Between April 2020 and March 2021 the service processed 4,114 hackney carriage and private hire applications. These figures do not include applications for new drivers which, pre-pandemic, averaged 278 per financial year over the previous 5 years.

- 2.5 Between April 2020 and March 2021, the service processed 4,762 applications in relation to all areas within the licensing service.

- 2.6 Following the Government roadmap out of lockdown the service has seen applications for other licence types increase, and it is anticipated once all restrictions are lifted, levels of applications will be close to or exceeding, pre-

pandemic levels. Pre-pandemic the service received on average 9,234 applications per financial year over the previous 5 years.

- 2.7 It has been reported to members previously that the pandemic has seen the service move away from accepting applications face-to-face to accepting them via email.
- 2.8 As we move out of restrictions, the service need to transition to what will be a new working model, amending processes and procedures to ensure they are more streamlined with open and transparent service standards.
- 2.9 Moving to a new way of working is more important than ever as the service has seen an increase in the number of complaints from both licence holders and Elected Members, in relation to the time it is taking applications to be processed.
- 2.10 As a result of these complaints the Group Leader for Licensing has conducted a review of how applications are processed and has implemented changes that will see applications processed in a timelier manner.
- 2.11 Supporting these changes and to provide clarity not only to licence holders but Elected Members and the public, The Group Leader for Licensing is proposing to implement a set of service standards, that inform licence holders, Elected Members and the public of the expected timescales within which applications should be processed, these expected service standards are attached at **appendix 1**.
- 2.12 While the service accepts the way in which it has been processing applications was causing delays, some of the delays can be attributed to the applicants themselves. Despite issuing guidance, and a number of reminders, applicants continue to submit applications late, submit incomplete applications or send multiple documents on individual emails, not necessarily at the same time.
- 2.13 Given the number of applications being received which, as stated in 2.6 above, is anticipated to increase, operating in this way cannot be sustained without impacting on the proposed service standards. As such, incomplete applications will have to be returned to the applicant with specific information as to why it has been returned, and what steps are required to be completed before it can be accepted, and that a completed application needs to be re-submitted with all required documents in one email.
- 2.14 In addition, further communication will be sent to licence holders reminding them of the timescales in which they should submit their applications, and that the service cannot guarantee a renewal will be processed before a previous licence expires if applications are submitted late.
- 2.15 Members should be aware, another reason for delays relates to the processing of DBS checks by the DBS service, with the timescales within which these are processed largely out of the services control. The service is working with the Council's approved supplier for DBS checks to streamline the process and make it easier for drivers to register for the DBS online update service which, over time, will significantly improve the time it takes to conduct a DBS check.

- 2.16 The service is also looking at improving the current procedure for issuing vehicle identification plates, company door signs and driver badges.

3. Implications for the Council

3.1 Working with People

One of the Licensing Service key priorities is to ensure there is a raising of standards across the private hire and hackney carriage trades in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; and that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience

3.2 Working with Partners

In developing its policies, the licensing services works with a number of partners, including, Kirklees Safeguarding Children's Board, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, Community Safety Partnership and other West Yorkshire Authorities (inc. York).

3.3 Place Based Working

There is no specific impact in the context of this report.

3.4 Climate Change and Air Quality

There is no specific impact in the context of this paper.

3.5 Improving outcomes for children

The Council wants to ensure children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and in particular for the purposes of school transport.

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

Legal

The principal legislation is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport "Taxi and Private Hire Licensing Best Practice Guide" paragraph 8 which states: "The aim of local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is to protect the public."

Taxi and Private hire vehicle licensing in England and Wales is undertaken by licensing authorities, which have the responsibility for ensuring that the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi and private hire vehicle

trade. Council's following best practice will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistent and robust in decision making.

Equality Implications

There are no equality implications in the context of this report

Financial Implications

There are no financial implications to consider in relation to this report.

4. Next steps and timelines

- 4.1 The next steps are for Members to consider the proposed service standards for approval.

5. Officer recommendations and reasons

- 5.1 Members are recommended to approve the proposed service standards. Approving the standards will provide transparency for licence holders, Elected member and the public on the timescales in which applications can be expected to be processed.

6. Cabinet Portfolio Holder's recommendations

Councillor Will Simpson does not have any recommendations to add to this report.

7. Contact officer

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8. Background Papers and History of Decisions

Not applicable

9. Service Director responsible

Wendy Blakeley
Service Director – Environment and Climate Change (Interim)
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Process	Expected Timescale (working days)	Comments
New driver application	10 working days *This will be following receipt of the DBS certificate. DBS's can take up to 12 weeks to be returned.	Prior to submission of an application to become a new driver an applicant will be required to complete and pass all of the training modules. An application will be returned to an applicant if they have not produced all of the required documentation to evidence all training requirements have been completed and passed at the time of submission.
Driver renewal application	10 working days *This timescale relates to applications that do not require a DBS and until all applicants have signed up to the online DBS service. The DBS may take up to 12 weeks to be returned	An application will be returned to an applicant if not complete/valid and with the required documents. It is advised that an application be submitted 12 weeks prior to the expiry of the licence.
New vehicle application	5 working days	Prior to submission of an application the vehicle will be required to have a compliance test at one of the council's testing stations. The application is required to be complete/valid and all required documents submitted. Failure to submit a complete application will result in the application being returned to the applicant.
Vehicle renewal application	5 working days	An application will be returned to an applicant if not complete/valid and with the required documents. Prior to renewal the vehicle will be required to pass the council's compliance test at one of the Council's testing stations. The compliance test can be carried out up to a month prior to the expiry of the licence and it is advised that a renewal application be submitted no later the two weeks prior to the expiry of the licence.
Vehicle transfer application	5 working days	The application is required to be complete/valid, and all

		required documents submitted. Failure to submit a complete application will result in the application being returned to the applicant.
New private hire operator application	10 working days *This will be following receipt of the DBS certificate (where required). DBS's can take up to 12 weeks to be returned.	The application is required to be complete/valid, and all required documents submitted. Failure to submit a complete application will result in the application being returned to the applicant.
Private hire operator renewal application	10 working days *This will be following receipt of the DBS certificate (where required). DBS's can take up to 12 weeks to be returned.	The application is required to be complete/valid, and all required documents submitted. Failure to submit a complete application will result in the application being returned to the applicant. It is advised that the renewal application be submitted up to 12 weeks prior to expiry.
Driver Training	2 to 4 weeks	All new driver applicants are required to undertake and pass driver training and testing modules prior to the submission of their application. You can expect to get an appointment within 2 to 4 weeks of contacting the test providers. This timescale will be regularly reviewed to ensure the length of time it takes to get an appointment is not exceeding the expected timescales.
Vehicle Compliance Test	2 Weeks	All new vehicles are required to pass a vehicle compliance test, and once licenced this test is an annual requirement. The average waiting time for an appointment is 1 to 2 weeks. This timescale will be regularly reviewed to ensure the length of time it takes to get an appointment is not exceeding the expected timescales. Although the test cannot be carried out over a month in advance you are advised to contact the Council's transport service in order to book your

		appointment 4 to 6 weeks prior to the expiry of your licence to ensure that your vehicle passes its compliance test and allows enough time for the licensing service to process your application.
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***Renewal Applications only – Failure to submit the application completed with all of the required documents in a timely manner may result in licence’s expiring prior to renewal applications being processed. The applicant will not be licenced at this time and will be unable to work.**

***DBS Applications – The DBS is carried out by the DBS service, any delay in the return of DBS certificates to the applicants will need to be addressed by the applicant directly with the DBS service. The Council has no control over this third-party process.**