

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 25th June 2020
Report for: Decision
Report of: Head of Regulatory Services

Report Title

COVID-19 LICENSING TEAM SERVICE PLAN – NEXT PHASE

Summary

A report that details the proposed operational/policy changes needed to continue the delivery of the taxi licensing aspects of the Licensing Service during the coronavirus pandemic from the 1st July 2020.

This follows the first phase emergency action plan which covered the months of April, May and June and which was approved on the 9th April 2020 under emergency powers by the Corporate Director, Place in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee and the Executive Portfolio Holder.

Recommendation(s)

It is recommended that the following proposals be approved:

Proposal	Details	Change Type
1	It is proposed that all Hackney Carriage and Private Hire Driver Licences expiring after the 1 st July 2020 be processed as renewals via an on-line renewal form on the Council's website. Drivers will be required to pay the renewal application fee and then upload electronic copies of all required documents; including a medical signed by the driver's own doctor (where required) and confirmation that the driver has completed an on-line DBS Check Form (where required)	Policy
2	A medical certificate signed by the driver's own doctor will be required in the first instance. However, it is proposed that where a driver is unable to provide a medical certificate because of the current Covid 19 restrictions; the driver may complete the on-line medical self –certification	Policy

	form which will be valid until the 31 st December 2020. After this date the driver will be required to provide a satisfactory medical certificate signed by his own doctor.	
3	It is proposed that drivers who are due a DBS check between the 1 st July 2020 and the 31 st December 2020 be required to complete an on-line DBS Check form prior to renewal of their hackney carriage/private hire driver's licence. In advance of the 31 st December date this will be reviewed to determine the position from the 1 st January 2021.	Operational
4	It is proposed to continue to suspend all stages of the new driver application process until the 30 th September 2020. In advance of that date this will be reviewed to determine the position from the 1 st October 2020.	Operational
5	It is proposed that all Hackney Carriage and Private Hire Vehicle Licences expiring after the 1 st July 2020 be processed as renewals via an on-line renewal form on the Council's website. Owners will be required to pay the renewal application fee and then upload electronic copies of all required documents. All applications for new vehicle licences; transfers and replacement vehicles will be processed in a similar way via an on-line form from the 1 st July 2020.	Policy
6	It is proposed that on each day of the week Monday to Thursday a Licensing Officer will attend the Town Hall to print off driver badges and vehicle identification plates required in respect of renewed, new or replacement driver and vehicle licenses and these will be sent to applicants by a secure postal delivery service. This process to be reviewed after three months.	Operational
7	It is proposed that where the MOT of a licensed vehicle is due to expire in July, August, September 2020 there is no requirement to produce an MOT to the Licensing Team and that this will apply until at least 30 th September 2020. This position will be reviewed in advance of 30 th September 2020 to determine future arrangements in respect of MOTs.	Policy

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: 4129

1.0 Introduction

- 1.1 In line with Government guidance to businesses on Coronavirus (COVID-19) the Council has instructed all staff to work from home wherever possible. Consequently, from the 23rd March 2020 the Licensing Team has been working from home.
- 1.2 This required some operational/policy changes to the way that applications were processed to facilitate home working and the expected demand for licences.
- 1.3 On the 9th April 2020 the first phase emergency action plan which covered the months of April, May and June was approved under emergency powers by the Corporate Director, Place in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee and the Executive Portfolio Holder. See Appendix A
- 1.4 This report now seeks approval for proposed operational/policy changes needed to continue the delivery of the taxi licensing aspects of the Licensing Service from the 1st July 2020.

2.0 Premises Licences & Others

- 2.1 The following application processes have moved online: licensed premises etc./ gambling premises etc./ charitable collections/ second hand dealers/ scrap metal dealers/ sex establishments/ marriage approvals.
- 2.2 The transition to online working in respect of these types of applications has been relatively straightforward as the majority were already received electronically either fully or in part. Payments can also be facilitated electronically or over the telephone. It is felt that these processes can be managed with little disruption provided staff numbers remain at the current level.
- 2.3 Where objections are raised against premises licence applications which would require consideration by the Licensing Sub-Committee, hearings will continue to be held in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which includes the ability to hold remote hearings, hold hearings as and when the Local Authority determines but to also alter the frequency, move or cancel meetings.

3.0 Taxis and Private Hire Licences

In an attempt to return to business as usual as far as is possible, but with a more efficient and streamlined approach, it is proposed that application processes be permanently moved on-line with remote submission of forms and copies of relevant documents.

Driver (Renewal Applications)

- 3.1 It is proposed that all Hackney Carriage and Private Hire Driver Licences expiring after the 1st July 2020 be processed as renewals via an on-line renewal form on the Council's website. Drivers will be required to pay the renewal application fee and then upload electronic copies of all required documents; including a medical signed

by the driver's own doctor (where required) and confirmation that the driver has completed an on-line DBS Check Form (where required) **(Proposal 1)**.

- 3.2 In order to facilitate the processing of on-line applications a number of changes are required to the current application procedures.

Medical Checks

- 3.3 Drivers are still experiencing difficulty accessing their GP surgeries in the current crisis. It is proposed that in the first instance drivers be asked to provide a medical certificate signed by their own doctor; however, where the driver is unable to provide this they may complete the on-line medical self –certification form which will be valid until the 31st December 2020. After this date the driver will be required to provide a satisfactory medical certificate signed by his own doctor **(Proposal 2)**.

DBS Checks

- 3.4 The previous procedure required drivers to complete a hardcopy unique DBS application form. Officers would verify the driver's details by checking original documents at a face-to-face appointment and the form was then posted to the DBS. The DBS certificate could take several weeks to be issued and so it was policy to renew the driver's licence without having seen the latest certificate. It has not been possible to carry out these checks manually. The Licensing Team have been successfully using an on-line solution which allows drivers to deal remotely with a third party company to acquire their DBS. There is a small additional cost of £8.00, to the driver but in the majority of cases the DBS is produced in a much shorter time. Therefore, it is proposed that drivers who are due a DBS check between the 1st July 2020 and the 31st December 2020 be required to complete an on-line DBS Check form prior to renewal of their hackney carriage/private hire driver's licence. In advance of that date this will be reviewed to determine the position from the 1st January 2021 **(Proposal 3)**.

Procurement Implications

- 3.5 The value of the concession contract to the Service Provider for the duration of the extended period is £1 560.00. In accordance with the Contract Procedure Rules (CPRs) in the Council's Constitution a contract with a value between £0-- £4999 for the procurement of goods, services and concessions can be awarded based on a single quotation. The Service Provider has given a Quotation of £8 per check and multiplying that rate with the number of checks it would yield a contract price of no more than £4999.00.
- 3.6 It should be noted that this is not a contract for the procurement of services within the meaning of the Public Procurement Regulations 2015. This will be subject to a service concession agreement. A service concession is a contract in which the commissioner of the services does not pay the contract price to the Service Provider. In a service concession, which this is, the Service Provider uses the subject matter of the contract to get payment. In this case, the taxi drivers who use the online service provided by the Service Provider pay a DBS check fee, part of which the Service Provider uses as the contract price. The Council does not pay anything. Its contractual obligation is limited to providing an opportunity, through the commission, for the Service Provider to use the subject matter of the contract.

Driver (New Applications)

- 3.7 The Licensing Team has been dealing with a large backlog of new driver applicants. At the time of lockdown all individuals on the waiting list had been contacted and offered the opportunity to book onto the knowledge test which is the first stage of the application process. Since that last invitation was issued there have been an additional 328 expressions of interest logged on the Council's website from individuals wanting to apply for a licence. It is likely that this number will increase as lockdown is relaxed and the Government's furlough scheme ends.
- 3.8 In accordance with the Government's guidance on social distancing it was felt appropriate that all scheduled knowledge tests be cancelled. Those who were scheduled to attend a test were notified by email. It was also felt that by not processing new applications this would potentially be of some support to the existing trade who have been significantly impacted by the crisis.
- 3.9 The new driver application process involves five stages: Stage 1 Knowledge Test; Stage 2 Documents Check and DBS Application; Stage 3 – Induction Course; Stage 4 Determination; Stage 5 Issue badges and licences. At each stage of the current process there is either a requirement for face-to-face interaction or access to equipment to produce badges.
- 3.10 Therefore, approval is sought to continue the suspension of all stages of the new driver application process until the 30th September 2020; to allow sufficient time for the existing trade to start to recover and to allow for further relaxations in respect of the social distancing rules to be introduced. This will also allow time for officers to explore delivering the process remotely, particularly in respect of the knowledge test and induction course (**Proposal 4**).

Vehicle (New & Renewal Applications)

- 3.11 It is proposed that all Hackney Carriage and Private Hire Vehicle Licences expiring after the 1st July 2020 be processed as renewals via an on-line renewal form on the Council's website. Owners will be required to pay online the renewal application fee and then upload electronic copies of all required documents. All applications for new vehicle licences; transfers and replacement vehicles will be processed in a similar way via an on-line form from the 1st July 2020 (**Proposal 5**).

Hardcopy Badges and Vehicle Identification Plates

- 3.12 It is proposed that on each day of the week Monday to Thursday a Licensing Officer will attend the Town Hall to deal with administrative matters including printing off driver badges and vehicle identification plates required in respect of renewed, new or replacement driver and vehicle licences. These will then be sent to applicants via a secure postal delivery service. This will be reviewed after three months to determine the effectiveness and security of the process (**Proposal 6**).

MOT Certificates

- 3.13 The Government has relaxed the rules on MOTs stating that any MOT expiring after the 30th March 2020 is extended for six months. It was agreed as part of the interim measures taken in April that where the MOT of a licensed vehicle was due to expire in April, May, June 2020 there was no requirement to produce an MOT to the Licensing Team and that this applied until at least 30th September 2020. The

suspension of the requirement for MOTs is on-going with no end date. This would mean that if an MOT expires in May/June/July it is auto extended for 6 months until November/December/January. Whilst there is a wish to support the trade at this difficult time, there is still a requirement for local authorities to ensure that licensed vehicles are safe and there would be a desire to review this position sooner. Therefore, it is proposed to require that where the MOT of a licensed vehicle is due to expire in July, August, September 2020 there is no requirement to produce an MOT to the Licensing Team and that this will apply until at least 30th September 2020. This position will be reviewed in advance of the 30th September 2020 to determine future arrangements in respect of MOTs. **(Proposal 7).**

4.0 ALTERNATIVE OPTIONS

4.1 Before arriving at the proposal outlined above an alternative option was also considered with respect to driver and vehicle renewals.

4.2 Continue with Temporary Extensions to Vehicle and Driver Licences

Consideration was given to this option, which would in effect be a repeat of the approach taken in the April 2020 report. On balance it was felt that because the Licensing Team has largely adapted service provision to the realities of the lockdown it is now in a better position to service these renewals as they become due. By doing this it will maintain these licence holders within their regular renewal cycle rather than adding to a significant future spike in demand which would occur if further applications to extend were granted.

APPENDIX A

TRAFFORD COUNCIL

Report to: Corporate Director, Place
Date: 9th April 2020
Report for: Decision
Report of: Head of Regulatory Services

Report Title

COVID-19 LICENSING - SERVICE CONTINUITY PLAN

Summary

A report that details the proposed operational/policy changes needed to enable the delivery of the taxi licensing aspects of the Licensing Service during the coronavirus pandemic.

Under Part III of the Council's constitution, in situations which arise between Committee or Executive meetings and require emergency action which cannot reasonably await the next meeting, the relevant Corporate Director has authority to take such action in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee concerned (or with such of the latter as are available for consultation) or with the relevant Executive Portfolio Holder and subject to a subsequent report to the next meeting of the Committee.

It is submitted that in the current circumstances, with an urgent need to implement an alternative method of service delivery, this issue is of such an urgent nature that it is appropriate for it to be dealt with in accordance with this emergency action provision.

Recommendation(s)

It is recommended that the following proposals be approved:

Proposal	Details	Change Type
1	It is proposed that all Hackney Carriage and Private Hire Driver Licences expiring in April, May and June 2020 be extended to expire on the 30 th September 2020; provided that the driver has completed an on-line request for extension form; the on-line medical self - certification form (where required); and has completed an on-line DBS	Policy

	Check Form (where required) prior to the issue of the Notice of Extension;	
2	Where a driver's medical is due to expire in April, May or June 2020 to suspend until 30 th September 2020, the requirement for a new medical certificate from the driver's own GP provided that the driver has completed the on-line medical self-certification form	Policy
3	To require drivers to complete an on-line DBS Check form prior to extension of their hackney carriage/private hire driver' licence; this requirement to be in place until the 1 st July 2020	Operational
4	To suspend all stages of the new driver application process until the 1 st July 2020	Operational
5	To suspend the processing of new vehicle licences until the 1 st July 2020, except where the application is for a replacement vehicle licence; transfer; or where the application is from a new Hackney Carriage or Private Hire Driver granted a driver licence since the 1 st September 2019.	Policy
6	It is proposed that as and when appropriate, a Licensing Officer will attend the Town Hall to print off any identification plates required in respect of new or replacement vehicle licenses and these will be sent to applicants by post	Operational
7	It is proposed that all hackney carriage and private hire vehicle licences due to expire in April, May and June be extended to expire on the 30 th September 2020. Licence holders will be required to complete an on-line Request for Extension Form and will be issued with a Notice of Extension. They will not be required to provide a copy of the V5 logbook; insurance certificate or current MOT certificate.	Policy
8	It is proposed that where the MOT of a licensed vehicle is due to expire in April, May, June 2020 there is no requirement to produce an MOT to the Licensing Team and that this will apply until at least 30 th September 2020. This position will be reviewed in advance of the 30 th September 2020 to determine future arrangements in respect of MOT's.	Policy
9	It is proposed that for those driver and vehicle licence renewals that are extended under these proposals the fees due are deferred. For clarity no element of the fee is being waived, rather the date for payment is being deferred. Payment for those licences being extended will be recovered when the licences are renewed in September 2020.	Policy

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: 4129

1.0 Introduction

- 1.1 In line with Government guidance to businesses on Coronavirus (COVID-19) the Council has instructed all staff to work from home wherever possible. Consequently, from the 23rd March 2020 the Licensing Team has been working from home.
- 1.2 This will require some operational/policy changes to the way that applications are processed to facilitate home working and the expected demand for licences in the next few months.

2.0 Premises Licences & Others

- 2.1 The following application processes have moved online: licensed premises etc./ gambling premises etc./ charitable collections/ second hand dealers/ scrap metal dealers/ sex establishments/ marriage approvals.
- 2.2 The transition to online working in respect of these types of applications has been relatively straightforward as the majority were already received electronically either fully or in part. Payments can also be facilitated electronically or over the telephone. Given the relatively small volumes of these applications expected in the next few months it is felt that these processes can be managed with little disruption provided staff numbers remain at the current level.
- 2.3 Where objections are raised against premises licence applications which would require consideration by the Licensing Sub-Committee, agreement will be sought from the applicant to a postponement of the hearing. If the applicant does not wish to postpone, the Licensing Team will liaise with Democratic Services and Legal to look at possible alternative arrangements e.g. video or telephone hearings. Meetings of the Public Protection Sub-Committee have been suspended until June 2020. The Government have just issued new regulations introducing flexibility around the holding of Local Authority meetings (“The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020”), which includes the ability to hold remote hearings, hold hearings as and when the Local Authority determines but to also alter the frequency, move or cancel meetings.

3.0 Taxis and Private Hire Licences

Driver (Renewal Applications)

- 3.1 It is proposed that all Hackney Carriage and Private Hire Driver Licences expiring in April, May and June 2020 be extended to expire on the 30th September 2020; provided that the driver has completed an on-line medical self - certification form (where required); and has completed an on-line DBS Check Form (where required). Licence holders will be required to complete an on-line Request for Extension Form; and will be issued with a Notice of Extension which they will be required to carry either in electronic or hardcopy form in the vehicle at all times the vehicle is working; together with their expired driver's badge (**Proposal 1**).

- 3.2 In order to facilitate the processing of on-line driver renewal applications a number of temporary changes are required to the current application procedure.
- 3.3 Drivers are experiencing difficulty accessing their GP surgeries in the current crises. Therefore, approval is sought to suspend the requirement for a medical certificate from the driver's own GP for those driver's whose medical certificates expire in April, May or June 2020, provided the driver has completed the on-line medical self-certification form **(Proposal 2)**.
- 3.4 The current procedure requires drivers to complete a hardcopy unique DBS application form. Officers normally verify the driver's details by checking original documents at a face-to-face appointment and the form is then posted to the DBS. The DBS certificate can take several weeks to be issued and so it is current policy to renew the driver's licence without having seen the latest certificate. It is currently not possible to carry out these checks manually. The Licensing Team are currently sourcing an on-line solution which will allow drivers to deal remotely with a third party company to acquire their DBS. Whilst it is likely that there will be a small additional cost, which is expected to be in the region of £5.00- £10.00, it is also likely that in the majority of cases their DBS will be produced in a much shorter time. Therefore, approval is sought to require drivers (who are due a DBS check) to complete an on-line DBS Check Form prior to the issue of the Notice of Extension; this requirement to be in place until the 1st July 2020 **(Proposal 3)**.

Driver (New Applications)

- 3.5 The Licensing Team has been dealing with a large backlog of new driver applicants. All individuals on the waiting list have now been contacted and offered the opportunity to book onto the knowledge test which is the first stage of the application process.
- 3.6 In accordance with the Government's guidance on social distancing it was felt appropriate that all scheduled knowledge tests be cancelled. Those who were scheduled to attend a test were notified by email.
- 3.7 The new driver application process involves five stages: Stage 1 Knowledge Test; Stage 2 Documents Check and DBS Application; Stage 3 – Induction Course; Stage 4 Determination; Stage 5 Issue badges and licences. At each stage there is either a requirement for face-to-face interaction or access to equipment to produce badges which is not accessible for staff working from home.
- 3.8 Therefore, approval is sought to suspend all stages of the new driver application process until the 1st July 2020 **(Proposal 4)**.

Vehicles (New Applications)

- 3.9 Approval is sought to suspend the processing of new vehicle licences, except where the application is for a replacement vehicle; transfer of the licence; or where the application is from a new Hackney Carriage or Private Hire Driver granted a licence since the 1st September 2019 **(Proposal 5)**.
- 3.10 Applicants will be required to complete an on-line application form; make an electronic payment and upload scanned images of the following required documents: V5 Log Book; Bill of Sale; Insurance certificate. (Please see Para. 3.15 on MOT Certificates below).

- 3.11 When granting a new vehicle licence officers would normally issue a paper licence and a new identification plate to be displayed on the vehicle showing the expiry date of the licence. It is felt important for public safety that there continues to be some external indication on the vehicle that it is licensed by Trafford Council to carry passengers.
- 3.12 Officers are unable to produce a new or updated vehicle identification plate from home. Therefore, it is proposed that a Licensing Officer will attend the Town Hall, at appropriate times, to print off any identification plates required in respect of new or replacement vehicles and these will be sent to applicants by post **(Proposal 6)**.

Vehicle (Renewal Applications)

- 3.11 It is proposed that all hackney carriage and private hire vehicle licences due to expire in April, May and June 2020 be extended to expire on the 30th September 2020. Licence holders will be required to complete an on-line Request for Extension Form and they will then be issued with a Notice of Extension. They will not be required to provide a copy of the V5 logbook; insurance certificate or current MOT certificate. **(Proposal 7)**.

When renewing a vehicle licence officers would normally issue a paper licence and a new identification plate to be displayed on the vehicle showing the expiry date of the licence.

- 3.14 The vehicle owner/driver will be required to carry either an electronic or hardcopy of the Notice of Extension in the vehicle at all times it is working; and the vehicle will be required to display the expired plate until such time as an updated plate can be issued.

MOT Certificates

- 3.15 The Government has relaxed the rules on MOTs stating that any MOT expiring after the 30th March 2020 is extended for six months. The suspension of the requirement for MOTs is on-going with no end date. This would mean that if an MOT expires in May/June/July it is auto extended for 6 months until November/December/January. Whilst there is a wish to support the trade at this difficult time, there is still a requirement for local authorities to ensure that licensed vehicles are safe and there would be a desire to review this position sooner. Therefore, it is proposed to require that where the MOT of a licensed vehicle is due to expire in April, May, June 2020 there is no requirement to produce an MOT to the Licensing Team and that this will apply until at least 30th September 2020. This position will be reviewed in advance of the 30th September 2020 to determine future arrangements in respect of MOT's. **(Proposal 8)**.

Deferment of Payment

- 3.16 It is proposed that in respect of those vehicle and driver licences that are extended under proposals 1 & 8 the payment of fees is deferred. . This does not mean that there is any pro rata waiving of the fee but rather that payment is not being required at this time. Payment for those licences being extended will be recovered when the licences are renewed in September 2020. **(Proposal 9)**

4.0 ALTERNATIVE OPTIONS

4.1 Before arriving at the proposal outlined above a number of alternative options were also considered with respect to driver and vehicle renewals.

Continue Driver and Vehicle Renewals

- 4.2 In an attempt to maintain business as usual as far as is possible, under this option most of the renewal process would be moved on-line with remote submission of forms and copies of relevant documents. It would include the requirement for a recent, valid MOT but would allow a dispensation for self-certification in terms of the medical. It would still include the alternative DBS option outlined in the main proposal above (3.0-3.15). There would still be an obstacle in terms of the production of plates and badges, which need to be done at the Town Hall. A possible solution to this would involve a periodic session at the Town Hall where minimal staff attended, produced and posted out the plates and badges.
- 4.3 There are factors that tend to support this option, not least of which is that it is a small element of continuity for the trade at this time. Another potential benefit is that to a large degree it avoids creating additional spikes in workload further down the line by not deferring renewal processes to what will already be a busy time for the service in October. However, there are drawbacks to this option. One of the main risks was felt to be that whilst this option may be challenging but achievable within existing available staff resources, it would not be viable if available staff numbers were to decrease to any significant extent. In the current circumstances this is a foreseeable development.

Automatically Extend Existing Licences, including DBS

- 4.4 One further option that was also considered was an amended version of the main proposal to extend (at 3.0-3.15). The amendment being a deferment of the requirement for a DBS for those applicants with a DBS due to expire within this period. Under this proposal, applicants in this situation would be required to make a signed declaration in respect of any convictions since their last DBS was produced. Providing this declaration was clear of any issues the need for an updated DBS check would be deferred until 1st October 2020.
- 4.5 The DBS element of this proposal could be seen as being consistent with other aspects of the main proposal, in that it defers an existing requirement until the current crisis may be over or restrictions reduced. In this way it could be seen as an equivalent to the proposal to accept self-certification in respect of medicals. However, because the regime around the DBS requirements is such a fundamental plank of the public protection measures within taxi licensing, it is felt that a deferment of this nature should not be considered.