

REGULATORY COMMITTEE

AGENDA

Extraordinary Meeting to be held in the Civic Centre (Committee Room No. 2) on Tuesday, 12th December, 2017 at 10.00a.m.

Part I

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Local Government (Miscellaneous Provisions) Act 1982 – Street Trading Consents Report of the Executive Director of Economy and Place (copy herewith)	1
4.	Updating of a Policy Relating to the Grant of a Hackney Carriage or Private Hire Vehicle Licence Report of the Executive Director of Economy and Place (copy herewith)	3
5.	Local Government (Miscellaneous Provisions) Act 1976 – The Licensing of Persons as Hackney Carriage and Private Hire Vehicle Drivers Report of the Executive Director of Economy and Place (copy herewith)	7

E. WAUGH,
Head of Law and Governance

Civic Centre,
SUNDERLAND.

4th December, 2017

REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

REGULATORY COMMITTEE – 12 December 2017

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – STREET TRADING CONSENTS

1.0 Purpose of the Report

- 1.1 To request the Committee delegates permission to grant street trading consents for applications of up to two months to officers where there have been no objections to the application.

2.0 Description of Decision (Recommendation)

- 2.1 The Committee is recommended to give consideration to proposal for delegation to grant street trading consents for a period of up to two months where there have been no objections.

3.0 Background

- 3.1 The Council has chosen to designate certain areas of the City as street trading consent areas in accordance with Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This means traders may only trade in these areas with consent from the Council.

4.0 Current Position

- 4.1 The current delegation scheme allows officers to grant street trading consents for a period of up to one month where there have been no objections. Where objections are received the matter is referred to the Regulatory Committee.
- 4.2 Street trading consents lasting more than one month have been previously been uncommon. With the increase in the number of planned events in the City this would appear to be increasing.
- 4.3 It is proposed that officers be delegated to grant consents for street trading where there has been no objection for a period of up to two calendar months.

4.0 Reasons for the Decision

- 5.1 To permit the efficient administration of the Local Government (Miscellaneous Provisions) Act 1982.

5.0 Alternative Options

- 5.1 None

6.0 Relevant Considerations/Consultation

7.1 There are no other relevant considerations.

8.0 Glossary

8.1 None

9.0 List of Appendices

9.1 None

10.0 Background Papers

10.1 None.

REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

REGULATORY COMMITTEE – 12 DECEMBER 2017

UPDATING OF A POLICY RELATING TO THE GRANT OF A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE

1.0 PURPOSE OF THE REPORT

- 1.1** The purpose of this report is to request the Regulatory Committee to update one of the Council's policies relating to the grant of a hackney carriage or private hire vehicle licence.

2.0 DESCRIPTION OF DECISION (RECOMMENDATIONS)

- 2.1** The Committee is recommended to update the policy relating to the grant of a hackney carriage or private hire vehicle licence as set out at paragraph 4.1 below.

3.0 INTRODUCTION/BACKGROUND

- 3.1** In 2004 the Licensing Committee (which was then responsible for taxi licensing) adopted a policy with regard to the safety of hackney carriages and private hire vehicles.
- 3.2** The policy in question relates to the licensing of vehicles that have been the subject of accident damage repair and submitted for licensing as hackney carriage and private hire vehicles

4.0 CURRENT POSITION

- 4.1** Currently the Council's policy states:-

"Vehicles submitted for licensing as hackney carriage or private hire vehicles may be checked via Equifax to establish whether the vehicle has had previous damage which may affect its suitability. Equifax are a company who retain vehicle records for insurance companies and the motor trade.

The categories used by Equifax, are as follows:-

- A** Insurance Loss - The vehicle should be crushed; it should not be on the road;
- B** Insurance Loss - The body shell should have been crushed; the vehicle should not be on the road;
- C** Insurance Loss - Vehicle extensively damaged and insurer has decided not to repair;

- D** Insurance Loss - Vehicle damaged and insurer has decided not to repair;
- F** Insurance Loss - Vehicle damaged by fire and insurer has decided not to repair.

Vehicles that fall into category A or B will not be licensed other than in exceptional circumstances. No vehicle will be licensed as either a hackney carriage or a private hire vehicle where a condition report obtained from Equifax indicates that the vehicle has been previously classified as a category C, D or F insurance loss, unless a Motor Vehicle Repairers' Association inspector appointed by the Council indicates that the vehicle is safe to be licensed. The cost of this inspection and any subsequent re-assessment must be met by the applicant."

- 4.2** From 1 October 2017, the codes referred to in paragraph 4.1 above were replaced as detailed below. In order that our policy accurately reflects the terminology used by the Association of British Insurers (ABI) it requires updating to read:

The categories used by HPI (formerly Equifax), are as follows:-

- A Scrap –** This vehicle has been inspected by an appropriately qualified person, declared unsuitable or beyond repair and has been identified to be crushed in its entirety;
- B Break-** This vehicle has been inspected by an appropriately qualified person and declared unsuitable or beyond repair;
- S Structural -** This vehicle has been inspected by an appropriately qualified person and declared suitable for repair;
- N Non - Structural** This vehicle has been inspected by an appropriately qualified person and declared suitable for repair.

Vehicles that fall into category A or B will not be licensed other than in exceptional circumstances. No vehicle will be licensed as either a hackney carriage or a private hire vehicle where a condition report obtained from HPI indicates that the vehicle has been previously classified as a category S or N insurance loss, unless a Motor Vehicle Repairers' Association inspector appointed by the Council indicates

that the vehicle is safe to be licensed. The cost of this inspection and any subsequent re-assessment must be met by the applicant.

- 4.3** Consequently, the current Council Policy relating to the licensing of vehicles requires updating to include those codes identified in paragraph 4.2 above, i.e.

The categories used by HPI (Formerly Equifax) prior to 1st October 2017, are as follows:-

- A** Insurance Loss - The vehicle should be crushed; it should not be on the road;
- B** Insurance Loss - The body shell should have been crushed; the vehicle should not be on the road;
- C** Insurance Loss - Vehicle extensively damaged and insurer has decided not to repair;
- D** Insurance Loss - Vehicle damaged and insurer has decided not to repair;
- F** Insurance Loss - Vehicle damaged by fire and insurer has decided not to repair.

Vehicles that fall into category A or B will not be licensed other than in exceptional circumstances. No vehicle will be licensed as either a hackney carriage or a private hire vehicle where a condition report obtained from Equifax indicates that the vehicle has been previously classified as a category C, D or F insurance loss, unless a Motor Vehicle Repairers' Association inspector appointed by the Council indicates that the vehicle is safe to be licensed. The cost of this inspection and any subsequent re-assessment must be met by the applicant."

The categories used by HPI (formerly Equifax) from 1st October 2017, are as follows:-

- A Scrap –** This vehicle has been inspected by an appropriately qualified person, declared unsuitable or beyond repair and has been identified to be crushed in its entirety;
- B Break-** This vehicle has been inspected by an appropriately qualified person and declared unsuitable or beyond repair;
- S Structural -** This vehicle has been inspected by an appropriately qualified person and declared

suitable for repair;

N	Non - Structural	This vehicle has been inspected by an appropriately qualified person and declared suitable for repair.
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Vehicles that fall into category A or B will not be licensed other than in exceptional circumstances. No vehicle will be licensed as either a hackney carriage or a private hire vehicle where a condition report obtained from HPI indicates that the vehicle has been previously classified as a category S or N insurance loss, unless a Motor Vehicle Repairers' Association inspector appointed by the Council indicates that the vehicle is safe to be licensed. The cost of this inspection and any subsequent re-assessment must be met by the applicant.

- 4.4** The changes described above are not expected to present any practical problems for the taxi trade in the City.

5.0 ALTERNATIVE OPTIONS

- 5.1** None.

6.0 RELEVANT CONSIDERATIONS/CONSULTATION

- 6.1** None.

7.0 GLOSSARY

- 7.1** None.

10.0 LIST OF APPENDICES

- 10.1** None.

11.0 BACKGROUND PAPERS

- 11.1** None.

REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

REGULATORY COMMITTEE – 12 DECEMBER 2017

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

THE LICENSING OF PERSONS AS HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to seek the agreement of the Committee with regard to procedures for the licensing as hackney carriage or private hire vehicle drivers of persons who have (since the age of criminal responsibility i.e. ten years old) spent more than six continuous months outside the United Kingdom.

2.0 DESCRIPTION OF DECISION (RECOMMENDATIONS)

- 2.1 The Committee are recommended to agree that applicants for a licence to drive either hackney carriages or private hire vehicles who have spent more than six consecutive months living outside the United Kingdom are required to provide documentary evidence of their criminal record history equivalent to that provided by the Disclosure and Barring Service (DBS) from an agency of the country(s) where they have resided for more than the specified period.

3.0 INTRODUCTION/BACKGROUND

- 3.1 It is the responsibility of the Council to license as hackney carriage or private hire vehicle drivers only those persons considered fit and proper.
- 3.2 From 1 March 2002, as part of the licensing process, the Council has obtained information on previous convictions pertaining to applicants for licences to drive hackney carriages and private hire vehicles from the DBS. In order to apply for a disclosure from the DBS a person must reside in the United Kingdom (UK). The information supplied by the DBS will only cover the length of time that the applicant has resided in the UK.
- 3.3 From 7 January 2008 the Committee agreed that persons from other EU countries may be licensed as hackney carriage and/or private hire vehicle drivers without the requirement to provide an enhanced disclosure from the DBS subject to the Council obtaining documentary evidence of their equivalent criminal record history from an agency of the applicant's home nation and being satisfied that the applicant is a fit and proper person.
- 3.4 In recent years the Council has received applications from both UK and non-EU nationals who have not been able to provide a full record of their criminal records history.

4.0 CURRENT POSITION

- 4.1 It is proposed that all applicants are required to produce evidence in the English language of their criminal records history sourced from their home nation and, where

relevant, the other nation(s) in which they have resided for a period(s) of more than six continuous months. Licensing Officers will then seek to verify these records with a relevant agency of the relevant nation(s), e.g. that nation's UK embassy.

4.2 This policy would equally apply to UK citizens who have lived abroad for such a period other than while in the service of HM Armed Forces.

4.3 Where a non-UK applicant has resided in the UK for a period greater than three months, in addition to the checks proposed in paragraph 4.1 above, a DBS disclosure will also be sought.

4.4 This policy would replace the policy outlined in paragraph 3.3 above.

5.0 REASONS FOR THE DECISION

5.1 The Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall on the receipt of an application from any person for the grant of a licence to drive hackney carriages or private hire vehicles, grant to that person a driver's licence provided they are satisfied that the applicant is a fit and proper person to hold a driver's licence.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATION

7.1 There are no other relevant considerations that require the consideration of the Committee.

8.0 GLOSSARY

8.1 European Union - EU
Disclosure and Barring Service - DBS

9.0 LIST OF APPENDICES

9.1 None

10.0 BACKGROUND PAPERS

10.1 None