

*PART A

Report to: Licensing Committee
Date of meeting: 6 September 2012
Report of: Head of Environmental Services
Title: Minor licensing policy amendments

1.0 **SUMMARY**

1.1 The licensing team is in the process of implementing a number of changes to its business practices in order to improve service delivery for customers and efficiency. In order to fully implement the proposals a small number of policy changes have been identified that require consideration.

2.0 **RECOMMENDATIONS**

- 2.1 That from 1 October 2012 applicants for hackney carriage or private hire vehicle licences shall be required to produce a valid MOT certificate for the vehicle issued within the previous thirty days, and that Certificates of Compliance are no longer accepted.
- 2.2 That officers suspend the hackney carriage licence or private vehicle licence of a vehicle that has been damaged in an accident until such time as the damage is repaired or, if mechanical damage is involved, a valid MOT certificate has been produced to officers.
- 2.3 That applicants for a hackney carriage driver's or private hire vehicle driver's licence be required to submit with their applications certificates to show they have passed an appropriate assessment by the Driving Standards Agency and the Council's Knowledge Test, neither of which may be more than six months' old at the time of submitting the application.

Contact Officer:

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Report approved by: Alan Gough, Head of Environmental Services.

3.0 **DETAILED PROPOSAL**

3.1 As part of Service Prioritisation a review of the licensing functions was undertaken to improve service to customers and identify any savings possible. This project worked along two lines. The first being a business process redesign exercise to identify improved ways of working in line with Lean principles. The second stage was a review of the non statutory, wider corporate work.

3.2 The general findings of the review was that delivery of the front end of the licensing processes would be more effective and efficient if performed by the licensing team rather than the CSC in conjunction with the following changes:

- the team needs to be generic to deliver effectively,
- a move to more applications being made on line
- effective validation of applications so that fewer incorrect applications are submitted.
- policies need to be simple and consistently applied.

3.3 What this means in practice is that from October:

- the primary source of information for customers making applications will be the Council website, rather than directly to officers or to the CSC
- procedures have been simplified as far as possible so that customers are aware of what needs to be produced at the time of making applications, and that incomplete applications will be rejected
- licensing advice and information will no longer be provided via the CSC (although they will signpost customers to information on the website)

wherever possible, applications will be made electronically or in person to the licensing team at Wiggshall depot.

3.4 During the re-design process it became apparent that a small number of minor policy changes were required that are beyond the powers already delegated to officers. The Committee is therefore asked to approve the changes that are set out below.

3.5 Driver representatives have been consulted at various stages throughout the process, including a stakeholder engagement morning on 2 August 2012. Any suggested modifications to processes have been taken into account.

4.0 **POLICY CHANGES**

4.1 Licensed vehicles

For many years, the Council has had the use of an exemption certificate from the Secretary of State so that licensed vehicles could be tested to the Council's standards and be issued a Certificate of Compliance, rather than a normal MOT certificate.

4.2 Unlike MOT certificates, the Certificates of Compliance do not appear on the national Driver and Vehicle Licensing Agency database. Licensees cannot renew their car tax online through direct.gov unless they additionally pay for an MOT certificate, and police officers often stop drivers on suspicion of not having a valid MOT certificate when in fact they have a valid Certificate of Compliance.

4.3 Officers would recommend that in future licensees are only required to possess an MOT certificate, which has the additional benefit of being a maximum £54.85

compared to the £66 test fee charged by the Council (and which does not result in any financial loss to the Council). Licensees would still be required to obtain their MOT certificate from one of the Council's three nominated garages, (although this would be kept under review) and they would attend the Council depot for an additional vehicle examination by officers. The vehicle examination would concentrate on items such as signage, safety equipment, taximeters etc. This would not dilute the licence inspections in any way but separate them into two components including the opportunity for proper engagement with the Driver by the Licensing team which it is envisaged could improve compliance.

- 4.4 At present, vehicle licences expire at the end of a calendar month, and so a vehicle that is tested for the first time in April, for example, will expire on 31 March the following year. As an MOT certificate can be renewed up to 30 days in advance, licences can now be issued to expire on the day that they are actually issued. MOTs would only be accepted by officers if they have been issued within the previous thirty days.
- 4.5 Apart from the cash savings to licensees, officers also expect that the new process will reduce the average processing time for a vehicle licence from 22 days for hackney carriages and 30 days for private hire vehicles to just two working days. As licences will be issued immediately to applicants in person on completion of all the required formalities, there will be no longer be any ancillary costs associated with sending licences by post. Officers will not need to take time in issuing replacement Certificates of Compliance in cases of loss or theft as duplicate MOTs will be issued by the examining garage, and it will also be easier to renew the vehicle tax in person at a Post Office or online with an MOT rather than a Certificate of Compliance.
- 5.0 Accidents to vehicles
- 5.1 There is a legal requirement for accidents to licensed vehicles to be notified to the Council within 72 hours. Officers have adopted a process over the years to ensure that licensed vehicles damaged in accidents are suitable to convey the public. The review has indicated a need for that process to be streamlined.
- 5.2 Officers recommend that a new policy is introduced. Once an accident is reported, the licence will be suspended until an appropriate inspection can be undertaken. This will either be by officers where the damage relates to signage, livery, aerials, licence plates or rear lights, or an MOT test in all other cases (which will normally be recoverable through insurers). Once the inspection has been satisfactorily completed, the licence will be restored.
- 6.0 Licensed drivers
- 6.1 Current policy requires that an applicant for a hackney carriage or private hire vehicle driver's licence must pass the Driving Standards Agency test and Council Knowledge Test before a licence can be granted. These are currently taken once or whilst an application has been accepted and validated as correct by officers, and whilst Criminal Records Bureau and DVLA checks are being conducted.
- 6.2 From 1 October 2012, candidates will have to pass the Knowledge Test and DSA test prior to submitting their application. This will reduce the time officers spend dealing with an application and will reduce the number of times candidates have to contact officers.

6.3 To ensure that candidates' competency is kept up-to-date in those areas, officers recommend that the Knowledge Test and DSA test certificates should only be accepted if issued within the six months prior to them submitting their licence application.

7.0 IMPLICATIONS

7.1 Financial

7.1.1 The Head of Strategic Finance comments that there are no financial implications arising from this report. The new processes, as identified in the relevant project initiation document, will contribute to cashable savings of £38,000.

7.2 Legal Issues (Monitoring Officer)

7.2.1 The Head of Legal and Property Services comments that there are no legal issues arising from this report

7.3 Equalities

7.3.1 Watford Borough Council is committed to equality and diversity as an employer, service provider and as a strategic partner. In order to fulfil this commitment and its duties under the Equality Act 2010 it is important to demonstrate how policies, practices and decisions impact on people with different protected characteristics. It is also important to demonstrate that the Council is not discriminating unlawfully when carrying out any of its functions

7.3.2 The following table shows which of the policy changes has the potential to impact on each of the protected characteristics set out in the Equalities Duty. A crossed item indicates where officers believe there is unlikely to be an impact, and a tick where they is the potential for an impact.

	<i>MOT certificates¹</i>	<i>Suspending vehicle licences after accidents</i>	<i>Requiring DSA and Knowledge Test certificates before application²</i>
<i>Age</i>	X	✓	X
<i>Disability</i>	X	X	X
<i>Gender reassignment</i>	X	X	X

¹ MOT certificates are required for nearly every vehicle on UK roads. As this is a legal requirement applicable to vehicles rather than people it is not perceived as being discriminatory.

² This does not represent a change in the Council's requirements for new applicants, but a change in the order in which the application itself is made.

<i>Pregnancy or maternity</i>	X	X	X
<i>Race</i>	X	✓	X
<i>Religion or belief</i>	X	✓	X
<i>Sex</i>	X	X	X
<i>Sexual orientation</i>	X	X	X

7.3.3 Data will be collated by the licensing team to monitor suspension notices issued to drivers and, if particular groups receive more suspension notices than others relative to the base population, investigation will be undertaken to assess why.

7.4 **Potential Risks**

No risks have been identified.

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

- Implementation of Licensing review business process redesign and associated papers.

File Reference

P:/internal/Licensing review