

	Executive 29 June 2020	Agenda Item No. 3 (X)
Title	Use of delegated powers - Vehicle and Driver Renewals – Temporary Measures in response to COVID (19)	
For further information about this report please contact	Kathleen Rose 01926 456703 kathleen.rose@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook: WDC approach, Policies and Procedure https://www.warwickdc.gov.uk/downloads/file/3270/handbook Approaches to managing licensing and related issues during the COVID-19 pandemic. Advice for licensing authorities.	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	04/05/2020	Chris Elliott
Head of Service	30/04/2020	Marianne Rolfe
CMT		
Section 151 Officer		Andrew Jones
Monitoring Officer		
Finance	05/05/2020	Mike Snow
Portfolio Holder(s)	01/05/2020	Judy Falp
Consultation & Community Engagement		
Final Decision?	No	

1. **Summary**

- 1.1 This report informs Members of an urgent decision taken by the Chief Executive under delegated authority CE(4), following consultation with Group Leaders.
- 1.2 Hackney carriage and private hire drivers, are currently permitted to work under the transport exemptions. However, in response to Government guidance on business closures and social distancing measures recommended to help reduce the spread of Covid-19 and a reported drop in demand for service, officers have recognised that many have stopped trading.
- 1.3 Officers have also recognised that many of the hackney carriage and private hire workforce operate as 'sole traders' and as such are having difficulty accessing the government small business relief schemes.
- 1.4 This report outlines measures that could be put in place temporarily to support drivers and vehicle owners to ensure that they can retain their driver (hackney carriage or private hire) or vehicle licence.
- 1.5 Due to the Coronavirus outbreak and in line with the self-isolation Government advice, the meetings of the Executive were temporarily cancelled. As a result, decisions were taken under the Chief Executive's delegated authority CE(4).

2. **Recommendation**

That Executive notes the decision taken by the Chief Executive, after consultation with Group Leaders, under delegated authority CE(4) to:

- 2.1 Agree to implement the following proposal for a time-limited (6 months initially) period:

To allow licence holders, that are not working, to have a 'licensing holiday' and allow their licences to be paused 'without consequence' whilst they have no income. At a future date, and within a given time period, the licence holder can 're-licence' the original driver or vehicle licence as if it were a renewal at the appropriate renewal licence fee. Further details are included as appendix 1.

3. **Reasons for the Recommendation**

- 3.1 This was an urgent matter which could not wait until the next Executive meeting. Because of the Coronavirus outbreak, it was not known when the Council meetings would resume.
- 3.2 This resulted in the use of delegated power CE(4), which states:
"The Chief Executive be authorised to deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting."
- 3.3 Officers are being contacted daily by licence holders, asking if they must renew their licences in order not to lose them in accordance with the existing licensing requirements as laid out in the Drivers and Operators Handbook.

- 3.4 All hackney carriage and private hire licences are granted for a specified period and need renewing. Those periods vary (a maximum of one year for a vehicle licence, 3 years for a driver’s licence and 5 years for an operator’s licence). The costs involved also vary (from £88.25 for a 6 month vehicle renewal, £430 for a 3 year driver renewal (+ the medical examination fee), £835 for a 5 year Private Hire Operator renewal).
- 3.5 Unlike many other renewable licences there is no statutory mechanism for renewal contained in the legislation, and therefore no mechanism for a local authority to extend the duration of any of these licences. However, guidance issued by the Local Government Association and legal advice from Warwickshire County Council Legal Services on this matter suggests that we can legally decide what to do with ‘expired’ licences. Legal advice has been received on all of the proposals considered within this report and fall within our decision making powers under the applicable legislation.
- 3.6 LGA guidance also confirms that as the fees for Taxi Licensing are set locally, there is more discretion for reducing or deferring payments for licence holders/applicants.
- 3.7 Where vehicles and hackney carriage/private hire drivers continue to trade, licence holders are required to renew them to ensure that they are operating legally.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council’s FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report forms part of this process as part of the changes made to bring forward the Council’s new Business Plan.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District are as close to zero as possible by 2030 Area has well looked after public spaces	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels

	All communities have access to decent open space Improved air quality Low levels of crime and ASB	
Impacts of Proposal		
None	The revisions will ensure that the public will be able to identify all working hackney carriage and private hire vehicles and drivers easily.	The revisions will ensure that the hackney carriage and private hire trade can continue to operate, both now and once the Covid-19 Restrictions are lifted.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

- 4.2 **Supporting Strategies** - This report does not directly contribute to any supporting policies.
- 4.3 **Changes to Existing Policies** - This report brings forward temporary revisions to local conditions that have previously been formally agreed by Council.
- 4.4 **Impact Assessments** - These have not been undertaken because there is no direct impact of any changes in respect of protected characteristics.
5. **Budgetary Framework**
- 5.1 There is likely to be reduction in income generated by the regime this year as some traders may go out of business. Allowing some flexibility in the application process will help promote and support business within the district and reduce this loss as far as possible. At this moment in time it is impossible to estimate what this loss may equate to. The income budgeted for the full year is £60,000. In, what we hoped would be a worst case scenario, a full 6 months could amount to a loss of a full licence cycle for 200 vehicles estimated around £19,000.

6. Risks

- 6.1 There is a risk that licence holders may declare that they are not operating and then continue to work. If licence holders wish to register themselves as 'off the road' they will be required to surrender their physical licences, plates and badges to us for the period. Anyone who then continues to operate will be committing a criminal offence which will be investigated in accordance with our policies.
- 6.2 There is a risk that licence holders defer their renewals and then cannot afford to renew at the end of this period and Warwick District Council has a reduced number of Drivers and Vehicles going forward.
- 6.3 There are no direct risks associated with the report because the decision has already been taken

7. Alternative Option(s) considered

- 7.1 No alternative options were considered as the decision was already made and the report was for information only.

8. Background

- 8.1 The government has recognised the importance of maintaining a varied public transport system in their announcements and legislation so far. Hackney carriage and private hire drivers are included in the governments guidance under the heading of 'transport'.
- 8.2 Many of our taxi drivers are contacting us to tell us that they are not working and to ask if we can confirm this with their insurance providers as they can reduce their insurance cover temporarily to reduce their outgoings at this difficult time.
- 8.3 Many of our drivers are reporting to us that they are self-isolating in accordance with public health and government guidance.
- 8.4 'The Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook: WDC approach, Policies and Procedure' is currently under review. The timing of this has been impacted by this current crisis, however, the policy is being prepared for public consultation.
- 8.5 The review will take in to consideration the Climate Emergency Action Programme, and propose changes which will include actions to reduce the carbon footprint of the sector and promote cleaner air.
- 8.5 The licence holiday period may mean that there are older vehicles on the road for longer than would perhaps have been the case under the existing relicensing process. However, it is anticipated that this will be addressed in due course by the changes incorporated into the new policy following consultation.