

REPORT TO	DATE OF MEETING
GENERAL LICENSING COMMITTEE	15th October 2013

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
INTRODUCTION OF PAPERLESS APPLICATION PROCEDURE FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING	REGENERATION, LEISURE AND HEALTHY COMMUNITIES	ANDREW SMITH	5

SUMMARY AND LINK TO CORPORATE PRIORITIES

A report on the approval and introduction of a paperless system to receive applications in relation to Hackney Carriage and Private Hire Licensing.

RECOMMENDATIONS

The Committee is requested to determine whether or not to introduce a paperless system for the initial receipt of applications for drivers, vehicles and operators and their associated checks, in relation to Hackney Carriage and Private Hire Licensing.

DETAILS AND REASONING

The Licensing Unit has been approached by the ICT Department, as part of the review of Licensing, as to the suitability of paperless systems for the receipt of hackney carriage and private hire licensing applications. This follows the transfer of Licensing from Legal Services to Environmental Health.

As Committee will be aware, the licensing of hackney carriage and private hire drivers, vehicles and operators is governed by the Town Police Clauses Act 1847, Byelaws and the Council's adoption of the Local Government (Miscellaneous Provisions) Act 1976 and subsequent Conditions.

As such, changes to the current process must be agreed by members of General Licensing Committee before they can take effect.

Long term, the introduction of these systems would see the Licensing Unit move away from its current software package, LALPAC and onto a system currently in use within the Council, Firmstep.

Outline

For the purposes of clarity the current checks for licensing applications are specified below. Following this, the current systems for receipt of applications and the proposed systems, as discussed with ICT, are then detailed. Some related issues are then stated, before the numbers of applications that are currently processed are given.

Licensing – Checks

Currently, the Council asks for the following, before licences are granted anew or renewed etc.:

- Drivers – New:
 - Fees

- Application Form - signed
- Declaration of Convictions – signed
- DBS Enhanced Disclosure – sent away
- DVLA Mandate – sent away
- Medical Form – completed by applicant's GP
- Copy of DVLA Driving Licence
- Completion of Knowledge Test
- Completion of appropriate qualification
- Photograph
- Drivers – Renewal
 - Fees
 - Application Form or reverse of Licence – signed
 - Declaration of Convictions – signed
 - Copy of DVLA Driving Licence
 - DBS Enhanced Disclosure – sent away (every third year)
 - DVLA Mandate – sent away (every third year)
 - Medical Form – completed by applicant's GP (every fifth year/annually from 65)
- Drivers – Additional Licence
 - Fees
 - Application Form – signed
 - Declaration of Convictions – signed
 - Copy of DVLA Driving Licence
 - Knowledge Test (if for Hackney Carriage)
- Operators – New / Renewal
 - Fees
 - Application Form (or reverse of Licence) – signed
 - Copy of Employers Liability Insurance (if applicable)
 - Copy of Public Liability Insurance (if applicable)
- Vehicles – New / Renewal
 - Fees
 - Application Form (or reverse of Licence) – signed
 - Copy of appropriate valid Insurance
 - Copy of V5 (log book)
 - Council's Roadworthiness Certificate (RWC)
 - Meter Test (new applications only)
- Vehicles – Transfer
 - Fees
 - Change of Owner Form – signed in duplicate
 - Copy of appropriate valid Insurance (if applicable)
 - Copy of V5 (log book)
- Vehicles – Change of Vehicle
 - Fees
 - Application Form – signed
 - Copy of appropriate valid Insurance
 - Copy of V5 (log book)
 - Council's Roadworthiness Certificate (RWC)

Current process – Drivers

Appointments are made for new applicants to submit the application form, declaration of convictions, pay the fees and discuss any issues they may have with an Officer. A copy of their DVLA Driving Licence is made and identification documents are checked to submit the DBS Enhanced Disclosure and DVLA Mandate. A photograph is also submitted. This part of the process can be dealt with by staff at Gateway or a Licensing Officer.

A further appointment is required for a Knowledge Test, currently overseen by Corporate Admin.

Other parts of the application process are dropped off when completed.

Once determination is made, the granting of a paper Licence and badge can be made relatively quickly.

For renewal applications, drivers are sent a reminder letter at least four weeks before licence expiry, along with the appropriate forms to complete. In addition to the application form, the reverse of the paper Licence can be used as application by signing, if details remain the same. Renewal applications are currently left at Gateway and then passed to Licensing.

Forms, including the Medical form, can be dropped off at any time, although an appointment is required to complete the DBS Enhanced Disclosure as this requires sight of personal identification documents, which could be lost if submitted/returned by post.

Straightforward applications for additional driver's licences are usually made by appointment and the Licence and badge issued at the time.

Proposed process – Drivers

Applicants should log on to the Council's website, phone a designated number or go directly to Gateway in order to submit their application. At the offices of larger operators, Gateway staff would visit, maybe once a month, to see drivers face to face and receipt applications by tablet computer. Details of the application would then be forwarded to Licensing, and determination made within an agreed timescale, before grant of the licence.

The paper application form and declaration of convictions form would be removed and replaced with an online form.

Applicants would still need an appointment to submit the DBS Enhanced Disclosure and would need to come to the Civic Centre to submit any other documentation that is completed by hand, e.g. DVLA Mandate, Medical Form.

Current process – Vehicles

Appointments are made for new applicants to submit the application form, log book (V5), appropriate valid insurance, the RWC, pay the fees and discuss any issues they may have with an Officer. Copies of documentation are made and the originals returned to the applicant. This part of the process can be dealt with by staff at Gateway or a Licensing Officer.

Vehicles to be licensed as Hackney Carriages should make a further appointment to check calibration of the meter to the Council Tariff, on the measured mile.

Once determination is made, the granting of a paper Licence, the plates and associated documents can be made relatively quickly.

For renewal applications, drivers are sent a reminder letter at least four weeks before licence expiry, along with the appropriate forms to complete. In addition to the application form, the reverse of the paper Licence can be used as application by signing, if details remain the same. Renewal applications are currently left at Gateway and then passed to Licensing.

Transfer applications can be made once both parties have signed the form, the fee has been paid and appropriate documents seen. An amended paper licence can then be issued.

Change of vehicle applications are currently dealt with in a very similar way to new applications.

Proposed process – Vehicles

Applicants should log on to the Council's website, phone a designated number or go directly to Gateway in order to submit their application. At the offices of larger operators, Gateway staff would visit, maybe once a month, to see proprietors and receipt applications by tablet computer. Details of the application would then be forwarded to Licensing, and determination made within an agreed timescale, before grant of the licence.

The paper application form would be removed and replaced with an online form.

Applicants would still need to come to the Civic Centre to submit any other documentation including that which is completed by hand e.g. RWC, insurance, log book.

Change of Vehicle applications would be dealt with similarly to that above.

Transfer applications could be made by either party, and then the other party would be dealt with by Licensing in order to sign the appropriate letter which Firmstep generates, and pay any outstanding fee. Failure to complete this process would cause the lapse of the application.

Current process – Operators

Appointments can be made for new applicants to submit the application form, declaration of convictions and basic disclosure (if needed), and any necessary insurance documents, pay the fees and discuss any issues they may have with an Officer. Copies of documentation are made and the originals returned to the applicant. This part of the process can be dealt with by staff at Gateway or a Licensing Officer.

Once determination is made, the granting of a paper Licence and badge can be made relatively quickly.

For renewal applications, drivers are sent a reminder letter at least four weeks before licence expiry, along with the form to complete. In addition to the application form, the reverse of the paper Licence can be used as application by signing, if details remain the same. Renewal applications are currently left at Gateway and then passed to Licensing.

Proposed process – Operators

Applicants should log on to the Council's website, phone a designated number or go directly to Gateway in order to submit their application. At the offices of larger operators, Gateway staff would visit, maybe once a month, to see operators face to face and receipt applications by tablet computer. Details of the application would then be forwarded to Licensing, and determination made within an agreed timescale, before grant of the licence.

The paper application form and declaration of convictions form would be removed and replaced with an online form.

Applicants would still need to come to the Civic Centre to submit any other documentation e.g. insurance, disclosure.

Issues

Concerns had been raised about the abandonment of signatures on Council paperwork, and where that would leave the Authority if it was to pursue issues perhaps relating to convictions, where a signature has not been obtained by the applicant/licence holder. Could the Council prove to a court that an unsigned application containing materially false declarations could be enough to prosecute on? It has subsequently been proposed to leave a declaration with the licence, when placed for collection, for the holder to sign to confirm the information submitted was correct. This would

necessitate the creation of a declaration, and mean that licence holders could only pick up their own licences.

Canvassing of other Authorities within the North West region of the Institute of Licensing have found that no other Councils allow just electronic application to be made. Currently, in law, this is also the case for applications made in accordance with the Licensing Act 2003 and Gambling Act 2005.

In order to facilitate these proposed changes, alterations would need to be made to the current guidance documents for drivers, the Council's website, all application information and the department's renewal letters. These tasks would require time to complete.

It would also seem prudent to send a mailshot to all licence holders in preparation of these changes, should they be agreed.

Numbers

For reference the current numbers of hackney carriage and private hire licence holders are displayed below:

Hackney Carriage Drivers	154
Hackney Carriages	114
Private Hire Operators	26
Private Hire Drivers	240
Private Hire Vehicles	183
TOTAL	717

(figures at 4th September 2013)

The estimated numbers of applications that the proposed processes would affect are displayed below:

	New	Renewal	Transfer/CoV*	TOTAL
Hackney Carriage Drivers	21	146	N/A	167
Hackney Carriages	4	234	33	271
Private Hire Operators	26**		N/A	26
Private Hire Drivers	40	225	N/A	265
Private Hire Vehicles	37	379	9	425
TOTAL	128	984	42	1,154

(figures from 1st April 2012-31st March 2013)

(*CoV – Change of Vehicle)

(** combined New and Renewal application figure)

Representatives from ICT have agreed to demonstrate the new system in place on Firmstep for Members, if required.

Committee is requested to consider this proposal.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

FINANCIAL	New processes that save or incur costs within the Licensing system would mean the fees would need to be reassessed to ensure the Council did not make an excessive profit from the service.
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LEGAL	<p>A policy that is too restrictive is more likely to be legally challenged. There is a question as to whether the requirement for a totally paperless application process is legal and without case law or guidance, Officers are unable to provide a definitive answer. In addition the report has raised the issue of the validity of documents without a signature although Officers understand that other areas, such as Benefits, adopt this system and their evidence has been accepted in Court.</p> <p>Potential for challenge both at appeals at the Magistrates' Court and possibly by way of Judicial Review.</p>
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RISK	The Committee should be aware of the need to protect the public. Committee should also be aware of the right of appeal to the Magistrates' Court should it be decided to challenge Council procedure.
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THE IMPACT ON EQUALITY	None
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OTHER (see below)	
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

None