



## Public Session

Report Reference Number: L/17/32

Agenda Item No: 8

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**To:** Licensing Committee  
**Date:** 14 May 2018  
**Author:** Sharon Cousins, Licensing Manager  
**Lead Officer:** Gillian Marshall, Solicitor to the Council

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**Title: Proposed Consultation on changes to standards applying to wheelchair accessible vehicles (WAVs) and Executive Vehicle (discreet) licensing**

### Summary:

There are a number of changes proposed to the current Taxi Policy. Two main areas are to be affected.

#### **Wheelchair Accessible Vehicles (WAVs)**

Changes are proposed as a result of sections of the Equality Act 2010 relating to licensed vehicles coming into force. Section 167 allows the Council, as the Licensing Authority, to create a list of Wheelchair Accessible Vehicles (WAVs). The creation of this list makes it an offence for drivers of WAVs to refuse to carry/help a passenger using a wheelchair, unless the driver is medically exempt. The proposed changes will also seek to introduce a minimum standard for a vehicle to be classed as a WAV.

#### **Discreet Plates**

Officers consider that the current arrangements for granting discreet plates to a private hire vehicle have the potential to cause a public safety concern - i.e. vehicles which have been granted an exemption from displaying licence plates on the outside of the vehicle may be used in place of regular licenced private hire vehicles. This may lead to users becoming accustomed to getting into non-marked vehicles which may be exploited by unlicensed drivers. It is therefore proposed to tighten up the pre-licensing checks and the conditions applying to such vehicles.

Member working groups have looked at both issues and made proposals for changes. These proposals must be formally adopted by the Committee and

consultation undertaken on them with the Trade and with interested groups before they are incorporated into the re-draft of the Taxi Licensing Policy.

### **Recommendations:**

- (i) That the Committee endorse the views of the Working Groups and authorise the Licensing Manager to undertake consultation on the proposals and to bring the results of that consultation back to Committee.**

## **1 Introduction and background**

In February 2017 the Committee received a report detailing the coming into force of the requirements of s167 of the Equality Act 2010. In essence, this enables Licensing Authorities to maintain a list of Wheelchair Accessible Vehicles and obliges the drivers of such vehicles to provide assistance to users unless they are designated as exempt on medical grounds.

In June 2017 the Committee considered a report on Executive Vehicle (Discreet) licences which detailed the potential public safety issues arising from the increased use of such vehicles which are exempt from the requirement to display plates identifying them as licensed vehicles.

The Committee resolved to have both issues looked at via working groups.

## **2 The Report**

### **Wheelchair Accessible Vehicles (WAVs)**

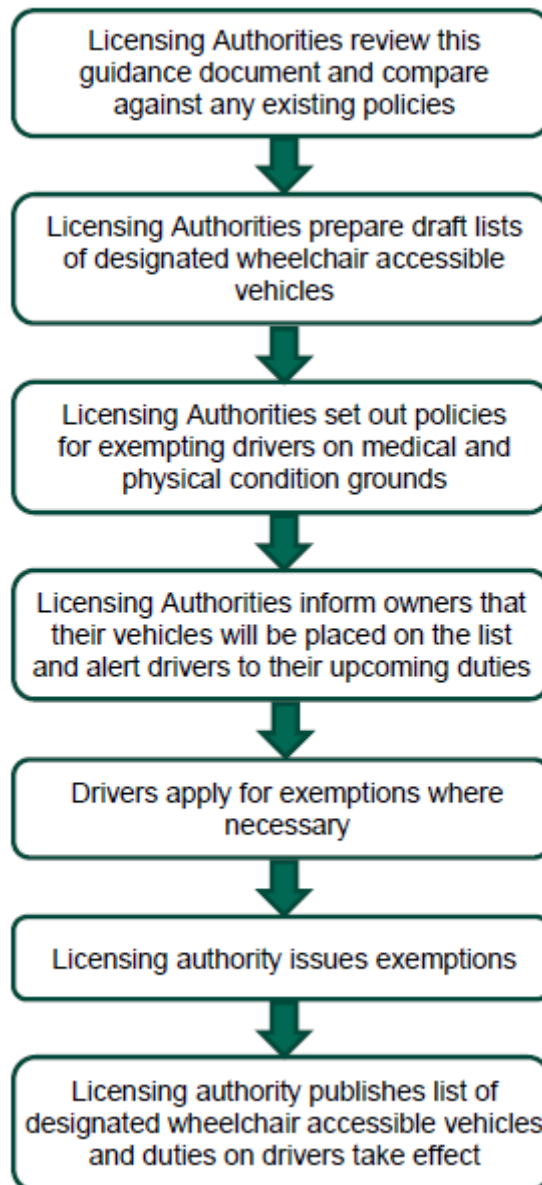
2.1 The Licensing Committee and Policy Review formed a joint working group to review the Taxi Licensing Policy and the requirements on wheelchair accessible vehicles to ensure the Authority is able to implement the wheelchair accessible vehicle requirements of the Equality Act 2010. The meeting took place on 5<sup>th</sup> February 2018 and the group resolved to propose -

- That in order to be considered a designated WAV, the vehicle must have WAV status recorded on its V5 certificate, or have been issued an official certificate of conformity to highlight WAV status. If a designated WAV did not meet the specific criteria upon renewal of the licence, that vehicle should be removed from the Council's WAV list.
- That a list of WAVs should be compiled by officers and consideration should be given to the make-up of Selby District Council's fleet of licenced vehicles in terms of the WAV / non-WAV ratio, to ensure that enough vehicles were available to allow all passengers to travel throughout the District.

- To agree the process for exempting drivers on physical / medical grounds.

The medical exemption process proposes that drivers wishing to apply for medical exemptions would need to need to request an application form from the council, which asks specific questions to ensure that the Licensing Authority has all the information required to make a decision on the application.

- 2.2 The Committee now needs to formally accept the proposals of the Working Groups and authorise officers to consult on the proposals with the Trade and other interested parties. This would include both the Private Hire and Hackney Carriage trades.
- 2.3 It is proposed the changes would apply to all new vehicle applications. In terms of the existing fleet an exercise will need to be undertaken to establish what proportion of the current fleet would meet the new standards. This may then require the Authority to revisit its current policy on achieving a 70% proportion of the fleet as being WAVs or its policy on when it will allow new saloon vehicles to be licensed. This would ensure the Council is following the process set out in the Statutory Guidance.



### **Discreet Plates**

- 2.4 A separate working group considered proposed changes to discreet licensing of Executive Private Hire Vehicles, which allows proprietors to apply to the Council for permission to remove the condition to display the vehicle licence plate. This is a potential safeguarding issue and it is proposed to make the application procedure more robust.

The Working Group recommended that the following proposals be adopted

The Application Process:

- That a formal application form be used for applications for a discreet vehicle licence, which should be accompanied by three references from potential customers who would use the executive hire service.
- That the Licensing Committee should consider executive hire vehicle suitability on a case by case basis, aided by the submission of photographs of the vehicle with the application for a discreet licence, in which the vehicle's number plate was clearly visible.
- That applications for discreet licences continue to be considered by Licensing Committee until such a time as they are satisfied that consideration can be delegated to officers.

#### Discreet Vehicle Licence Conditions:

- The vehicle must only be used for executive hire – this includes no school contracts, or other contracts that involved the transport of children, young people, or vulnerable adults.
- The private hire licence plate must be carried in the vehicle at all times, although it need not be visible to the passenger.
- The driver of the vehicle must wear visible photo identification at all times.
- The executive hire vehicle is kept to a high standard both internally and externally at all times.
- The exemption certificate (granting the discreet vehicle licence) is displayed on the left of the dashboard / bottom left of the windscreen.
- A record is kept of all executive hire contracts undertaken by the vehicle and is to be made available for inspection by the Council's Licensing and Enforcement Officers upon request.
- That a dress code is adhered to by drivers, to include a collar and tie.
- The discreet plate is renewed annually.

### **3.0 Legal/Financial Controls and other Policy matters**

#### **Legal Issues**

When considering issues relating to taxi and private hire licensing public safety should be the paramount consideration.

Under the Equality Act 2010 public bodies must have have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

### **4 Financial Issues**

There are no financial implications.

## **5 Conclusion**

Officers recommend that the Committee formally adopt the proposals of the Working Groups and authorise a public consultation on the proposals.

## **6 Background Documents**

None

*Contact Officer:*

Sharon Cousins  
Licensing Manager  
Selby District Council  
scousins@Selby.gov.uk

### **Appendices:**

None