



Report Reference Number: E/21/38)

To: The Executive
Date: 6th January 2022
Status: Non-Key Decision
Ward(s) Affected: Whole District
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Lead Executive Member: Councillor T Grogan, Lead Member for Health & Culture
Lead Officer: Martin Grainger Head of Planning

Title: Permission to consult -Taxi Licensing Policy Review following the DFT's Statutory Standards

Summary:

A consultation was held between the 12 July and 6 September 2021 with proposals on changes to Selby's Taxi Licensing Policy following the Department of Transport (DFT's) Statutory Standards, issued in 2020. The consultation document can be seen in Appendix A.

Officers have reviewed the consultation responses received and have updated the proposed policy accordingly.

Officers are now requesting approval of the updated taxi licensing policy ("the policy"), as can be seen in Appendix C, and permission to hold a public consultation between 10th January 2022 – 21st February 2022.

1. Recommendations:

- 1.2 Approve the draft policy as seen in Appendix C
- 1.3 Approve a public consultation between 10th January and the 21st February 2022.

2. Introduction and background

- 2.1 The Secretary of State for Transport (DfT) has issued a new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020 which are aimed at safeguarding children and vulnerable adults. The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that Government and licensing authorities must work together to

ensure that, above all else, the taxi and private hire vehicle services the public use are safe. This is the first time that a taxi licencing statutory guidance document has been issued.

- 2.2** Following a review of Selby's current taxi licensing policy, officers found several proposals in the DFT's Statutory Standards which were not already implemented in the current taxi licensing policy, therefore a consultation document surrounding these outstanding proposals was created.
- 2.3** Approval to consult on the consultation document in Appendix A was giving by the Executive Committee on the 8th July 2021.
- 2.4** The public consultation ran between 12th July and the 6th September 2021. The consultation was wide and included:
- The taxi and private hire trade
 - Libraries in the district
 - Parish Councils
 - Selby District Disability Forum
 - Selby Big Local
 - Selby District AVS

As well as the above the consultation was published on the Councils website and advertised on several occasions throughout the consultation period on the Councils social media pages.

- 2.5** A breakdown of the consultation responses can be found in Appendix B. This also, shows the additional comments received against each proposal and additional comments.
- 2.6** The consultation responses have been reviewed and any relevant changes are now shown in Selby's proposed Taxi Licensing Policy 2022 (as tracked changes, anything new added to the policy is highlighted in yellow (Appendix C).
- 2.7** The overall responses from the consultation were in favour of all the Proposals, as can be seen in Appendix B. Due to this, all outstanding proposals in the Statutory Standards have been incorporated into the proposed taxi licensing policy 2022, Appendix C. However, CCTV has remained as an option for the proprietor as opposed to being mandated (the proprietor would still need to seek permission from the Council to install the equipment and register with the Information Commissioner's Office (ICO) as a requirement in the Policy. This is due to the issue's surrounding the Council becoming the Data Controller of the footage if this was to be mandated. Additionally, based on the low level of incidents within licensed vehicles, officers do not feel that the mandatory installation of CCTV in vehicles to be proportionate currently. Factors such as cost, data responsibilities and privacy have also been considered in forming this view. Other authorities in North Yorkshire have taken a similar approach, so our polices will be more inline

during the local government reorganisation. In line with standards, regular reviews will take place to identify any local circumstances which may indicate that CCTV would have either a positive or adverse effect on the safety of taxi and private hire users.

Full consultation with stakeholders would take place as part of such a review.

2.8 Additionally, as it is expected for policies to be regularly reviewed and updated, officers have used this opportunity to update any areas of the current policy. The following has been updated:

- Section 7.4 clarity on DBS and Statutory declaration requirements for vehicle proprietors
- Section 7.5 further detail around the update service
- Section 8.2 information on when a DVLA licence check is carried out
- Section 10.13 additional information regarding CCTV in vehicles
- Section 13.2 footnote added about revocations in urgent situations
- Appendix A further clarity provided on the DBS update service requirement, change in circumstances and medicals
- Appendix C further clarity provided about the issuing of vehicle plates and updating the Councils vehicle testing contractor

3. Implications

3.1 Legal Implications

The basis for key changes within the policy is to protect public safety pursuant to statutory requirements and in light of the Casey report and to encourage a more professional service within the district

The current taxi byelaws remain unchanged

There is no statutory requirement to have a taxi licensing policy; however, it is good practice to do so. A policy assists with consistent decision making; however, each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. This legislation allows the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, allows the Council to refuse a licence to drivers if they are not satisfied that the drivers are fit and proper persons to hold a licence and allows conditions to be attached to licences (with the exception of hackney carriage driver's licences). In respect of vehicles, Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council may attach such conditions to a hackney carriage licence as it considers reasonably necessary and may require any hackney carriage to be of such design or appearance as shall clearly identify it as a hackney carriage.

The Council must have due regard to the public sector equality duty by consciously thinking about the need to:

Eliminate unlawful discrimination including harassment, victimisation and any other conduct prohibited by the Equality Act 2010;

Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and

Foster good relations between persons who share a protected characteristic and people who do not share it.

Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex and sexual orientation.

The requirement to have due regard to the need to advance equality of opportunity between persons who share protected characteristics and those who do not includes having due regard to the need to:

- tackle prejudice; and
- promote understanding.

The Council needs to consider these matters, in particular, in connection with the matter of wheelchair accessible vehicles and the need to provide vehicles which meet the needs of persons with disabilities and other relevant protected characteristics, such as age. In respect of disabled persons, steps may need to be taken to take account of their disabilities. The Council needs to consider all types of disabilities and how the needs of people with these disabilities can be met.

3.2 Financial Implications

Any additional administration costs will be considered when reviewing the application fee in accordance with the corporate charging policy.

3.3 Policy and Risk Implications

No foreseen impacts.

3.4 Corporate Plan Implications

The consultation process, although not necessary will help us to achieve our corporate priority of making Selby a great place to make a difference. Through allowing local people and businesses to contribute to the development of the policy we are achieving a key focus of the priority, namely, 'empowering and involving people in decisions about their area and services'.

A fit for purpose Taxi Licensing Policy will bring consistency and certainty to both the trade and customers of the trade, this will help us to make Selby a great place to do business.

3.5 Resource Implications

N/A

3.6 Other Implications

N/A

4 Equalities Impact Assessment

Equalities impact screening has taken place and no significant negative impacts were identified in the immediate future.

The policy is always under review to make amendments when required

5. Conclusion

5.1 As per the recommendation in 1.2.

6. Background Documents

Consultation Responses

7. Appendices

Appendix A – Completed consultation document

Appendix B – Summary of consultation responses

Appendix C – Draft proposed Taxi Licensing Policy for consultation

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