



Report Reference Number: E/21/51

To: Executive
Date: 7 April 2022
Status: Non-Key Decision
Ward(s) Affected: Whole District
Author: Sharon Cousins, Licensing Manager
Lead Executive Member: Councillor Tim Grogan, Executive Member for Health and Culture
Lead Officer: Drew Fussey, Operational Services Manager

Title: Selby Taxi Licensing Policy 2022

Summary:

A consultation was held between the 10 January and 21 February 2022 with proposals to the Selby's Taxi Licensing Policy 2022 ("the Policy"). Officers have reviewed the consultation responses received and have updated the proposed Policy.

1. Recommendations:

1.1 The Executive to approve and adopt the proposed Selby Taxi Licensing Policy (Annex A) which incorporates the required changes following the reviewing of the consultation responses.

2. Introduction and background

2.1 The Secretary of State for Transport (DfT) has issued 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 Officers reviewed the Policy with any outstanding recommendations from the DFT's Statutory Standards and an initial consultation was held between the 12 July and 6 September 2021.

2.3 The Policy was updated in draft form, considering the consultation responses, and updating any small areas of the Policy as required.

2.4 The Executive approved the draft Policy for consultation in January 2022.

2.5 Although the Council has no legal duty to consult, the DFT expected the Councils to consult on the standards. A consultation of the draft policy ran between the 10 January and the 21 February 2022. The consultation was wide and included:

- The taxi and private hire trade
- Trade unions
- Libraries in the district
- Parish Councils
- Selby District Disability Forum
- Selby District AVS
- Advertising on the Councils web pages
- Newspaper notice
- Advertising via the Councils social media

2.6 We received two responses in total to the consultation. One was from a company advertising DBS processing for drivers and the other, from a driver licensed by Selby (see their comments below) with officer comments to the side.

Consultation comments	Officer Comments
<p>I am still uncomfortable re the use of CCTV cameras in vehicles as this could make clients uncomfortable and a breach of privacy and confidentiality. Certain clients make personal and business calls which they would not recording which I am sure you can understand. I have no objection personally and fully understand why such a measure might need to be carried out and also from a cost point of view when business is still difficult enough.</p>	<p>The Policy does not make CCTV in vehicles mandatory. It permits CCTV if permission is first requested to the Council and confirming that they have registered with the Information Commissioners Office (ICO) & comply with any ICO Code.</p>
<p>I would also like to recommend that high visual jackets are encouraged in all vehicles as I do which might save a life in the event of an emergency or break down.</p>	<p>Drivers, as with all drivers on the road can choose to have High Visual Jackets in their vehicle and officers would highly recommend this. However, this has not been consulted on and therefore not right to put into the Policy at this time.</p>
<p>Being totally honest and after nearly 10 years of being a private hire licence driver through Selby district</p>	<p>The reason for the changes to the Policy are of consequence of the DFT's Statutory Standards for taxi</p>

council which I have loved with great pride and you have all been extremely helpful and supportive of myself & business and you know I operate a professional business but it's getting harder and harder to keep up with all the policy changes and especially during the last two years where income has decreased due to covid as all I want to do is look after my clients and do my job within the SDC licensing policies.	and private hire vehicles. The Council is expected to implement unless exceptional reasons to not.
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- 2.7 Following the consultation, the Policy was amended as necessary and can be seen in Appendix A. It is scheduled to be presented before the following committees. Any updates from the previous committees will be given verbally.

Committee	Date
Licensing	Monday 14 th March
Policy Review	Tuesday 15 th March
Executive	Thursday 7 th April

3. Implications

3.1 Legal Implications

Section 177 of the Policing and Crime Act 2017 (“the Act”) allows the Secretary of State to issue guidance to Licensing Authorities as to how hackney carriage and private hire functions should be exercised to protect children and vulnerable adults. The Statutory Taxis and Private Hire Vehicle Standards have been issued under this Act and came into effect on 20 July 2020.

The statutory guidance states at 1.3 that: *“The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.”*

The guidance also states the following:

2.6. The document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.

2.7. “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been

set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated. It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

2.8. Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence.

The Council should take into account the standards when exercising its functions and must only depart from them in exceptional circumstances and provide reasons for the departure.

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 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

3.7 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

4. Conclusion

4.1 As per the recommendation in 1.1

4.2 Adoption of the revised Policy and the measures within it will support the statutory position, help protect public safety and comply with the expectations of the DFT.

5. Background Documents

Consultation Responses

6. Appendices

Appendix A – Proposed Taxi Licensing Policy 2022.

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