



Report Reference Number: L/18/16

To: Licensing Committee
Date: 19th November 2018
Status: Non Key Decision
Ward(s) Affected: Whole District
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Lead Executive Member: Councillor Pearson, Portfolio Holder
Lead Officer: Jade Reynolds, Legal Advisor

Title: Proposed Taxi Licensing Policy 2019

Summary:

The consultation to determine a definition of a wheelchair accessible vehicle and procedures/conditions for discreet plate licensing, finished on the 8th October 2018. From the feedback received, the results confirmed that the majority of responses were in agreement with the Council's recommendations.

Officers have now reviewed Selby's current taxi licensing policy to include the results of the consultation and to bring it in line with our current procedures, requirements and current guidance.

Approval was given by Councillor Pearson on the 16th October 2018 to consult with the trade on the proposed taxi licensing policy which will commence on the 1st December 2018. The consultation will run for a period of 6 weeks.

Recommendations:

Members to note the contents of this report.

1. Introduction and background

1.1 The Council has the responsibility, under the Local Government (Miscellaneous Provisions) Act 1976, for licensing hackney carriage and private hire vehicles, drivers and operators within the District.

1.2 The last full review of the taxi licensing policy was in 2014, with an amendment in 2016. Since 2014 National taxi licensing has changed with an increased focus on safeguarding, environmental matters and the Government's recommendation for Licensing Authorities to introduce Section 167 of the Equality Act 2010, which allows the Council to publish a list of wheelchair accessible vehicles maintained by the licensing authority.

- 1.3** In April 2018, the Institute of Licensing, in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), published “Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade”. As the overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of hackney or private hire drivers, vehicle proprietors and operators, must be the protection of the public and others who use it or can be affected by hackney carriage and private hire services.
- 1.4** This guidance was nationally consulted upon. It was produced in the hope that it will be adopted widely by Licensing Authorities, to result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authority appeals. The proposed policy incorporates these recommendations.

2. Taxi Licensing Policy Consultation

- 2.1** A consultation with the trade to determine a ‘definition of a wheelchair accessible vehicle’ and ‘Discreet Plate licensing’ (Appendix 1) finished on the 8th October 2018. The Council received 19 responses. The results were as follows:

WAV	
Strongly Agree	7
Tend to Agree	6
Tend to disagree	3
Strongly Disagree	
DISCREET PLATE LICENSING	
Strongly Agree	10
Tend to Agree	3
Tend to disagree	2
Strongly Disagree	3

Some of the responses received unfortunately did not answer all of the questions asked; perhaps only answering the questions they felt was relevant to them.

- 2.2** Although the response to the consultation was poor, the feedback we did receive indicated an agreement with the Council’s recommendations, which is now in the proposed new taxi licensing policy due out for consultation in December.

Some of the comments received were:

- Requesting a definition of what a discreet vehicle is.

- A lot of the customers picked up from the rank use walking aids, who sometimes complain that the vehicles are not easy to access.
- A deadline should be given for vehicles that do not meet any new wheelchair accessible vehicle definition – A number of responses suggested 1 year.
- The wheelchair vehicle standard should be standard across the UK.
- A thorough check should be enough to determine if a vehicle is safe and converted properly.
- A certificate of conformance should be mandatory.
- Recommendation for discreet plate licensing to show the plate number on the registration plate

The equalities information that was part of the consultation provides the following breakdown of responses:

- 15 Drivers (mixture of private hire, hackney carriage & both, 5 were also private hire operators)
- 2 Operators
- 4 Females
- 13 Males
- 2 divulged no equality information

2.3 A full review of Selby District Council's hackney carriage and private hire vehicle licensing policy was undertaken. The following are amendments / new provisions to the proposed taxi licensing policy document that will go out for consultation in December:

2.3.1. Referring to the private hire and hackney carriage vehicles as 'taxi's – generic name used for both.

2.3.2. Replacing the current convictions policy with those found in the Institute of Licensing guidance on determining the suitability of applicants and licenses in the hackney and private hire trades, this will include:

General:

- (a) Taking the applicant's whole character into consideration when making decisions.
- (b) If an applicant has more than one offence, this will raise serious questions about their safety and suitability, once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- (c) An increase to the time elapsed since conviction.
- (d) Existing vehicles that fall outside the vehicles age policy will be given 5 years, from the date that the new policy comes in to force to change their vehicles.

Operators

- (a) Private hire operators must have a copy of their table of fares on display if they have a private hire base and in any event in each private hire vehicle that it operates.
- (b) Will be required to DBS check any front line staff.
- (c) Completion of a safeguarding course (by the council's authorised provider) for new applications and requirement to refresh every 2 years. Existing operators to complete a safeguarding course within 1 year of this policy coming into effect.

Drivers

- (a) The Council will make checks on the National Anti-Fraud network database on refusals and revocations of hackney carriage and private hire licences on applications.
- (b) Requirement to sign up to the DBS update service when their next DBS is due (currently every three years).
- (c) Group 2 medicals required for all drivers every 3 years, until the age of 65 when it will be required annually (currently only from the age of 45).
- (d) To inform the Council of any change of medical condition within 3 days.
- (e) Requirement to hold a DVLA licence for 2 years prior to application (currently 1 year).
- (f) Duties under section 165 of the Equality Act 2010 becomes enforceable if the list of wheelchair accessible vehicles is published under section 167 of the Act. Along with a procedure to be medically exempt from these duties.
- (g) The drivers badge to replace the paper licence. Introduction of handbook for drivers to show conditions of the licence and other relevant information.

Hackney Carriage drivers only

- (a) Requirement to complete the disability awareness training.

Vehicle Proprietor/Vehicles

- (a) Introduction of a vehicle age limit of 12 years (existing licence holder will be given 5 years from the date the policy comes into effect to change their vehicles).
- (b) A vehicle cannot be licensed for the first time if it's over the age of 5 years (age will be determined by the first date of registration on the vehicles V5 registration document).

- (c) Requirement to sign a statutory declaration each year that nothing has changed.
- (d) Inspection frequency

Vehicle Age	Frequency of vehicle tests and checks
0 – 1 years	1 check per year
1 – 5 years	2 checks per year
5-12 years	3 checks per year

- (e) If a licensed vehicle fails its vehicle inspection, the proprietor must inform the Council immediately. The vehicle will be suspended until the Council receives confirmation that the vehicle has passed a vehicle test.
- (f) New definition of what a wheelchair accessible vehicle is.
- (g) Requirement for a Loler certificate to be produced upon application and annually if there is a mechanical lift for wheelchairs.
- (h) Introduction of a handbook showing the conditions of the licence and other relevant information.
- (i) Private hire vehicles applying for discreet plate licensing will need to apply via an application form.
- (j) Creating and publishing a list of wheelchair accessible vehicles under section 167 of The Equality Act 2010.
- (k) Hackney carriage vehicles must be wheelchair accessible. There will no longer be a 70/30 split.

2.4 The draft policy will be subject to a six week consultation process.

The timeline for the review is detailed below:

3.

Date	Milestone
1 st December 2018	Six week public consultation period.
15 th January 2019	Policy Review - to receive a report informing of the outcome of the consultation exercise.
4 th February 2019	Licensing Committee – to receive a report informing of the outcome of the consultation exercise.
7 th March 2019	Executive – to consider the consultation responses and approve the policy (including any amendments where appropriate to reflect consultation responses).

ting policy remains, the Council will be out of date with current guidance and best practice with an increased risk of safeguarding issues.

4. Implications

4.1 Legal Implications

Current provisions are in accordance with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Equality Act 2010.

The policy does not replace the legislation governing hackney and private hire operations. It sets out what that legislation is and provides guidance on the Council's particular requirements in complying with that legislation.

Licensing and enforcement decisions will be made with regard to the policy; however, the Council reserves the right to depart from the policy in exceptional cases.

The policy will provide consistency and will strengthen the Council's position if there is a challenge against a decision made by the Council at Court.

4.2 Financial Implications

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

4.3 Policy and Risk Implications

No foreseen impacts.

4.4 Corporate Plan Implications

The consultation process 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.

4.5 Resource Implications

N/A

4.6 Other Implications

N/A

4.7 Equalities Impact Assessment

Equalities impact screening has taken place and no significant negative impacts were identified and consultation will provide further evidence of any impacts.

5. Conclusion

5.1 Members to note the proposed amendments to the policy that will be consulted on during the period of 1st December 2018 – 12th January 2019.

During the early part of the consultation process there will be a taxi licensing forum held at the Civic Centre, for members of the trade to attend to discuss the proposals in the policy, this will be on 5th December 2018. The Chair of the Licensing Committee will be in attendance and members are invited to attend.

Officers will report back to the Licensing Committee in February with the outcome of the consultation results.

6. Background Documents

N/A

7. Appendices

Appendix 1 – WAV and Discreet Plate Consultation

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