



Report Reference Number: PR/18/6

To: Policy Review Committee
Date: 15 January 2019
Status: Non Key Decision
Ward(s) Affected: All
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Lead Executive Member: Councillor Chris Pearson, Executive Lead Member for Housing, Health and Culture

Title: Taxi Policy Review Consultation Update

Summary:

Selby District Council's taxi licensing policy has been reviewed. A consultation on the proposed policy took place between 1 December 2018 and 12 January 2019.

Officers are currently reviewing the responses. It is intended that the revised policy will be presented to Executive in March 2019 for approval.

Recommendation:

The Committee are asked to note the contents of this report and provide any comments on the draft policy.

Reasons for recommendation:

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

To ensure that the Council is in a position to act and respond to any future changes in taxi and private hire legislation

To assist the Council in maintaining a mixed taxi fleet which meets the needs of the travelling public by providing with quality and choice.

To protect the public's health and safety.

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. 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.

- 1.2 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 decision to commence Section 167 of the Equality Act 2010, with a recommendation for Licensing Authorities 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*”.
- 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 provide protection to licensing authority appeals. The proposed policy incorporates these recommendations.

2. The Report

- 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 8 October 2018. The Council received 19 responses out of 192. 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 a level of agreement with the Council’s recommendations, which are now incorporated into the proposed new taxi licensing policy due out for public 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 did not divulge equality information.

2.3 A full review of Selby District Council's hackney carriage and private hire vehicle licensing policy was also undertaken. The following are amendments / new provisions to the proposed taxi licensing policy document that went out for consultation between 1 December 2018 and 12 January 2019 (Appendix 2):

2.3.1. In the document we refer to the private hire and hackney carriage vehicles as 'taxis' – 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) Will be required to DBS check any front line staff.
- (b) 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 on application and then from the age of 45).
- (d) To inform the Council of any change of medical condition within 3 calendar 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 to assist wheelchair using passengers becomes enforceable if the list of wheelchair accessible vehicles is published under section 167 of the Act. Along with a procedure to be declared 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.

Vehicle Proprietor/Vehicles

- (a) Introduction of a vehicle age limit of 12 years (existing licence holders 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 a special 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. As all new vehicles would be expected to be wheelchair accessible, we expect that a significant proportion of the current fleet will not meet the new wheelchair accessible vehicle definition, but we will not be requiring a change of vehicle immediately. The requirement for a new WAV's will be kept under review and reconsidered when the policy is next reviewed.

2.4 Following on from the consultation the next steps will be:

| Date | Milestone |
|-----------------|--|
| 4 February 2019 | Licensing Committee – to receive a report informing of the outcome of the consultation exercise. |
| 7 March 2019 | Executive – to consider the consultation responses and approve the policy (including any amendments where appropriate to reflect consultation responses). |

3. Implications

If the current policy is not regularly reviewed, the Council will be out of date with current guidance and best practice with an increased risk of safeguarding issues.

4.1 Legal Implications

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

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 The Policy Review Committee members note the proposed amendments to the draft Taxi Licensing Policy and the recommendations by officers.

The policy will now be drafted to taking into account the responses received to the consultation before going back to the Licensing Committee and to the Executive in March for approval.

6. Background Documents

N/A

7. Appendices

Appendix 1 - WAV and Discreet Plate Consultation
Appendix 2 - Proposed Taxi Licensing Policy

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