

Report Reference Number: L/18/27

To:	Licensing Committee
Date:	8 April 2019
Status:	Non Key Decision
Ward(s) Affected:	Whole District
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Lead Officer:	Palbinder Mann, Head of Democratic Services

Title: Selby Taxi Licensing Policy 2019

Summary:

A consultation was held between the 1 December 2018 and 4 February 2019 with proposals to the Selby's Taxi Licensing Policy 2019.

Officers have reviewed the consultation responses received and have updated the proposed policy as necessary. The updates are shown by way of track changes.

1. Recommendations:

The Licensing Committee are recommended to:-

- 1.1 Adopt the Officer Recommendations and endorse the proposed Selby Taxi Licensing Policy (Annex A), which incorporates the required amendments, highlighted by way of track changes, following the review of the consultation responses.
- 1.2. Recommend to the Executive Council to adopt the proposed Selby Taxi Licensing Policy.

2. Introduction and background

- 2.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. The aim of the changes to Selby's Taxi Licensing Policy is to strengthen the current policy endorsing the requirement that public safety is paramount and to improve standards.

If the existing policy remains, the Council will be out of date with current guidance and best practice with an increased risk of safeguarding issues.

2.2 Although the Council has no legal duty to consult, a consultation took place between 1 December 2018 and 4 February 2019 and included the following:

- Taxi Trade
- Public website consultation through an on-line questionnaire
- North Yorkshire Police
- North Yorkshire Fire and Rescue Service
- Suzy Lamplugh Trust
- Selby Disability Forum

2.3 We received 9 responses in total to the consultation. 3 responses via the public consultation website (statuses unknown), 1 from North Yorkshire Passenger Transport Service, 5 from Selby Hackney Carriage Drivers, the feedback of which is summarised in Appendix b.

2.4 The consultation focused on the following key areas, which was set out in the report to the Licensing Committee on 19 November 2018:

- (a) Referring to the private hire and hackney carriage vehicles as 'taxi's – generic name used for both.
- (b) 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:

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) Requirement 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.

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) All new Hackney carriage vehicles to the fleet must be wheelchair accessible

3. The consultation responses have been reviewed and any relevant changes are now shown as tracked changes in the Selby's proposed Taxi Licensing Policy 2019 (Appendix A).

4. Implications

4.1 Legal Implications

There is no statutory requirement to have a taxi licensing policy, however, it is good practice to do so and will provide consistent decision making. The policy sets out the standard that the Council will use to inform its decisions on application for licences, their renewal and consideration for their continuance. The Council must consider each case on its own merit and may depart from this policy in exceptional cases.

There are a range of powers contained in legislation that allows the Council to specify the standards that must be met in order to be licensed by the Council and to protect public safety. Furthermore, if these standards are not met the Council is permitted by legislation to refuse, revoke or suspend a licence.

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, 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.

4.5 Resource Implications

N/A

4.6 Other Implications

N/A

4.7 Equalities Impact Assessment

The Council must have due regard to the public sector equality duty. 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 Adoption of the revised policy and the measures within it will support the statutory position and will help protect public safety.

6. Background Documents

Consultation Responses
Equalities Impact Assessment

7. Appendices

Appendix A – Selby's Proposed Taxi Policy (tracked changes)
Appendix B – Summary of consultation responses.

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