

**Report Reference Number: E/19/08**

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<b>To:</b>	<b>Executive</b>
<b>Date:</b>	<b>1 August 2019</b>
<b>Status:</b>	<b>Non Key Decision</b>
<b>Ward(s) Affected:</b>	<b>All</b>
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<b>Lead Executive Member:</b>	<b>Councillor Pearson, Lead Executive Member for Housing, Health and Culture</b>
<b>Lead Officer:</b>	<b>Palbinder Mann, Democratic Services Manager</b>

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**Title:** Selby Taxi Licensing Policy 2019

**Summary:**

A consultation was held on Selby's Taxi Licensing Policy 2019 between 1 December 2018 and 4 February 2019.

Officers have reviewed the consultation responses received and have updated the proposed policy, updates are shown by way of tracked changes.

On 8 April 2019, the Licensing Committee resolved to adopt the officer recommendations and endorsed the proposed Selby Taxi Licensing Policy (Annex A), which incorporated the required changes following consideration of the consultation responses and recommended that Executive agreed the policy for adoption.

**Recommendations:**

That the Executive approve the proposed Selby Taxi Licensing Policy (Annex A) which incorporates the required changes following consideration of the consultation responses. Any Executive decision will be implemented five working days after the minutes are published, so long as the decision is not called in.

**1. Introduction and background**

- 1.1 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, endorse the requirement that public safety is paramount and 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 If the existing policy remains, the Council will be out of date with current guidance and best practice with an increased risk of safeguarding issues.

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

- 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

1.3 We received responses nine responses in total to the consultation. Three responses via the public consultation website (statuses unknown), one from North Yorkshire Passenger Transport Service, and five from Selby Hackney Carriage Drivers, the feedback of which is summarised in Appendix b.

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

2.1 On the 11 June 2019, upon considering the report, the Policy Review Committee commented that a 50/50 split of wheelchair accessible vehicles to saloon vehicles was more appropriate for the District, though it was acknowledged that this would be difficult to manage. This was due to the Committee expressing that it was thought elderly people struggle to get into higher vehicles. It was also recommended that there should be an update on the Council's existing fleet numbers.

In response to the comments made by the Policy Review Committee the following should be considered:

- Concerns were raised and complaints were received from a number of Hackney Carriage drivers during the summer of 2018, relating to the safety of Selby's current wheelchair accessible vehicles. This led to the Authority addressing the issue by defining a new definition of a wheelchair accessible vehicle that would put the council in strong position licensing WCA vehicles that have been tested for safety.
- The consultation to determine a definition of a wheelchair accessible vehicle and procedures/conditions for discreet plate licensing, finished on 8<sup>th</sup> October 2018. From the feedback received, the results confirmed that the majority of responses were in agreement with the Councils recommendations. Of the 19 responses to the overall consultation, seven strongly agreed, six tended to agree and three tendered to disagree with the proposed definition.

- The new definition was added to the proposed new Taxi Licensing Policy and consulted upon during nine week period.
- Only nine responses were received. Five were from Hackney Carriage drivers voicing concerns over the requirement for all new hackney carriage vehicles to be wheelchair accessible vehicles. The Council currently have 73 licensed Hackney Carriage drivers.
- Selby's current Taxi Licensing Policy already has a requirement stating that all new Hackney Carriage vehicles to the fleet must be wheelchair accessible, this has not changed.
- If the proposed new policy is approved, the Council would not be the only Authority that requires that all new Hackney Carriages must be wheelchair accessible. In doing so, the Council would be able to create a list, as recommended by Government, under the Equality Act 2010, of wheelchair accessible vehicles, that are safe according to the Council's new standard.
- The Hackney Carriage Fleet currently has a ratio of 23% Saloon and 77% wheelchair accessible (by the current definition). There is no requirement for any of these licensed vehicles to be changed in the proposed policy, but the Licensing Authority is aware that the of the 77% currently classed as wheelchair accessible, the vast majority of these if any, will not meet the proposed new definition, making any list created under S167 of the Equality will be small.

### 3 **Advantages of the proposed policy**

- Rigorous testing of Wheelchair Accessible Vehicles (WAVs).
- Complying with government recommendation to produce a list of WAVs for users.
- Complying with best practice guidance
- Giving all consumers the same choices, therefore compliant with the Equality Act 2010.
- The proposal that all new hackney carriage vehicles to the fleet are WAVs ensures that in time any list produced under Section 167 of the Equality Act 2010 has vehicles listed on it, which the Council is satisfied are safe.

- Applicants are still able to apply for a non wheelchair accessible vehicle but this decision would be made by the Licensing Committee, who are able to depart from Council's policy where 'exceptional' circumstances are given.
- There is no reason for any passenger to have issues getting into any type of vehicle. If a driver chooses to purchase van type WAV, they are able to purchase steps or steps are sometime built within the vehicle to ensure easy access. This is down to the driver. Lower type WAVs are also available that can pass the new definition.
- A clear policy which is black and white for everyone to understand, without additional work for officers.

### 3.1 **Disadvantages of proposed policy**

- If the new definition of a WAV is adopted, it is anticipated that the majority, if not all of Selby's current WAV (by the old standard) will not meet the new definition (Selby Licensing Team have seen no V5's with the additional chassis number or ever been provided with VOSA certificate of conformance). If a 70/30 split was still permitted; the figure is likely to be 100 (saloon/non-wheelchair accessible) to 0 (WAV (new definition)).

### 3.2 **Disadvantages of current policy**

- The definition of a WCA is too vague and does not protect the council to ensure that that not only the vehicle but the harnesses, ramps etc. are tested to a high standard. The current definition puts the Council at risk.
- Saloon type vehicles, as stated above, initially where only allowed on the fleet due to financial hardship (around 2008). This was never again means tested and the applicant has sometimes sold on the vehicle to another driver who would then have the right of changing that vehicle to another saloon vehicle.
- In order to keep the 70/30 split a waiting list was produced. Each year the Licensing Team wrote to the trade asking if they wished to be added to the list. When the ratio changed which allowed another saloon to the fleet, the Licensing and Enforcement Officers choose the successful applicant by checking the length of time that they had been licensed, if they already had a saloon vehicle, and their compliance history. As this process is not black and white, it is time consuming to the teams and there is always the risk of a number of drivers being at the same standard, meaning a decision would have to be made that could be potentially unfair on the other drivers.
- A number of complaints where received during 2018 questioning the safety of our vehicles. To confirm currently if a vehicle is Wheelchair accessible (WA)

the applicant needs to produce a pass certificate with the WA element from our testing station. If the vehicle is brought to test as a WAV, the ramps for that vehicle are set up and the operative pushes an empty wheelchair into the vehicle. It should be noted that the testing station have also raised concerns about this as they feel that they should not be involved with this. The compliance test which the garage is contracted to fulfil on behalf of the Council is to report on the mechanical soundness of a vehicle only.

- Unclear policy. Implementing of the 70/30 split takes up Licensing and enforcement officer time and, at times is not fair and equal to all drivers.

## **4. Implications**

### **4.1 Legal Implications**

The Council must have due regard to the public sector equality duty which is contained within the Equality Act 2010. An Equalities Impact Assessment has been carried out. A copy of this assessment can be requested from the background documents.

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.

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.

### **4.2 Financial Implications**

There are no additional costs involved and changes will be brought in within the current budget.

### **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

### **5.0 Equalities Impact Assessment**

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

A key finding in the Equality impact assessment was that some consultation responses suggested that some users, especially the elderly struggle to use wheelchair accessible vehicles, but this can be the case for saloon vehicles also. If the vehicle is higher than the average saloon there are steps for larger vehicles to allow passenger access. After making enquiries with a manufacturer of wheelchair accessible vehicles there are various other models that are the same height of passenger, saloons vehicles. This is a government recommendation to give wheelchair users the same accessibility rights as everybody else.

We expect the vast majority of our current fleet will not meet the definition of a wheelchair accessible vehicle, making any list that we publish under S167 of the Equality Act 2010 small. This will take time to build up and the policy and numbers of the list will remain under review.

The policy is always under review to make amendments when required

### **6.0 Conclusion**

It is recommended that the proposed policy be approved. This will ensure that the Council is fully compliant with its equality and protection of the public duties, whilst also ensuring that there is workable clear policy in place. The only other alternative to be considered should be to adopt a policy that allows the applicant to choose to license either a 'wheelchair accessible vehicle' (by the new definition) or any other type of vehicle that is 'non wheelchair accessible'. Either option will ensure that the Council have a clear, black and white policy, but the Council will not be compliant with its Equality duties if the open policy is adopted.

## **7. Background Documents**

Consultation Responses  
Equality Impact Assessment

## **8. Appendices**

Appendix A – Selby’s Proposed Taxi Policy (tracked changes)  
Appendix B – Summary of consultation responses.  
Appendix C – Summary of changes to policy

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