



Report Reference Number: N/A

To: Executive Committee
Date: 7 November 2019
Status: Non Key Decision
Ward(s) Affected: All
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Lead Executive Member: Councillor Chris Pearson, Lead Executive Member for Housing, Health and Culture
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Proposal to suspend Section 6 of the Taxi Licensing Policy.

Summary:

Section 6 of Selby's Taxi Licensing Policy ("the Policy") sets out how the Council manages its Hackney Carriage Fleet, by upholding a ratio of 70% wheelchair accessible vehicles and 30% non-wheelchair accessible vehicles.

Some concerns have been raised regarding section 6 of the Policy, in particular:

- The safety standard wheelchair accessible vehicles ("WAV") in the current Policy (which has led to officers proposing that the new Policy includes a new definition of a "wheelchair accessible vehicle" to comply with Equalities Act legislation); and
- The requirement to join a waiting list to change from a hackney carriage WAV to a non-WAV , and its administration, including the time frame and assessment (Appendix 1&2)

Therefore an Executive decision is required in respect of suspending Section 6 of the Policy pending implementation of the new 2019 Taxi Licensing Policy.

1. Recommendations:

The Executive to make a decision on whether to suspend the application of section 6 of the Policy pending adoption of the revised 2019 Taxi Licensing Policy.

2. Introduction and background

- 2.1. The present Policy has been reviewed. The draft 2019 Taxi Licensing Policy version has been consulted upon and is proposed to be put before Licensing Committee and then Executive in December 2019.
- 2.2. The 2019 Taxi Licensing Policy, if approved, would update wheelchair accessibility standards to comply with the Equalities Act legislation. The effect of this would be that those wheelchair accessible vehicles currently licensed as Hackney Carriage vehicles (HC) would no longer meet the requirements to be officially recognised as “Wheelchair Accessible” in the 2019 Taxi Licensing Policy, and would instead become and be treated as non-wheelchair accessible HC Vehicles.
- 2.3. The current Policy at section 6, seeks to maintain a 70/30 split between standard HC vehicles and vehicles that have been adapted in some way to be more wheelchair accessible. It does this by requiring that new HC vehicle licences must be for wheelchair accessible vehicles, and in respect of existing HC vehicles, a waiting list is maintained so that changes from wheelchair accessible HC vehicles to HC non-wheelchair accessible vehicles are only permitted where the 70/30 split will be maintained.
- 2.4. The 70/30 split is monitored by the Licensing Manager. The position on the waiting list is determined by the Licensing Manager in accordance with Appendix D of the Policy (Appendix 2 to this Report) by having regard to a number of factors including length of service, and good conduct. Custom and practice has been that when capacity arises within the 70/30 split to allow for a change from an accessible to a non-wheelchair accessible vehicle, the Licensing Manager would write to all HC vehicle licence holders with wheelchair accessible HC vehicles and ask if they wished to be considered for a change to a HC non-wheelchair accessible vehicle. The Licensing Manager would then assess those who wished to be considered and allocate positions on the waiting list. The administrative work involved in applying the waiting list criteria at this time would be a disproportionate use of resource.
- 2.5. There are presently 7 spaces available for HC vehicles to change to non-wheelchair accessible vehicle. If the 2019 Taxi Licensing Policy is adopted, the distinction between the current Policy “Wheelchair Accessible” vehicles and “non-wheelchair accessible” becomes academic. The only HC vehicles that would be recognised as “Wheelchair Accessible” would be those that meet the new standards for the purposes of the Equalities Act legislation.

- 2.6 If Section 6 is not suspended, carrying out the administration of the Waiting List (Section 6.2) would take months to determine the allocation of the available 7 “non-wheelchair accessible” type vehicles and the new Taxi Licensing Policy is likely to be in place at the time of this decision. Furthermore, once the 7 spaces have been allocated, the Policy allows individuals who were not allocated one of these spaces to appeal the Councils decision, which would have to be heard by the Licensing Committee. As mentioned at paragraph 2.2 above, the majority, if not all, of the HC wheelchair accessible vehicles will become non-wheelchair accessible vehicles in any event when the new wheelchair accessible standards are implemented by the 2019 Taxi Licensing Policy. Therefore this would render the waiting list in 6.2 obsolete and consequently the administrative work involved in applying the waiting list criteria at that time would be a disproportionate use of resource.
- 2.7 If the Executive approve the suspension of Section 6 as a whole, it is anticipated that a significant number of applications will be submitted to request to change existing wheelchair accessible vehicles to non-wheelchair accessible vehicles. This would have the added benefit of removing the concerns raised over the existing wheelchair accessible vehicles that may not meet the Equalities Act standards. After the implementation of the 2019 Taxi Licensing Policy, the number of wheelchair accessible vehicles would gradually be built up over time and in accordance with the new standards of wheelchair accessible, which would comply with the Equalities Act legislation.
- 2.8 In light of the issues highlighted above in respect of Section 6 and the imminent adoption of the 2019 Taxi Licensing Policy, this report seeks an Executive decision in respect of the suspension of Section 6 of the Policy until the new policy is implemented.
- 2.9 If the decision is to suspend, this will be highlighted on the Council’s website, and a letter will be sent to vehicle licence holders explaining the position.

3. Implications

3.1 Legal Implications

A decision is required from the Executive if section 6 of the Policy is to be suspended.

3.2 Financial Implication

N/A

3.3 Policy and Risk Implications

N/A

3.4 Resource Implications

If section 6 is not suspended, resources will be required to administer the waiting list under section 6.2, and applications for new Hackney Carriage vehicle licences would have to be WAV in accord with the current policy standards.

3.5 Other Implications

N/A

3.6 Equalities Impact Assessment

N/A in respect of an interim decision to suspend Section 6 of the Policy. The proposed Policy has been the subject of wide consultation, including disability groups. Disability groups have confirmed to the Council that they have no comments on the proposed changes to the new Policy.

4. Conclusion

4.1 The Executive to make a decision on the application of section 6 of the Policy.

5. Appendices

Appendix 1 – Section 6 of the Taxi Licensing Policy

Appendix 2 – Appendix D to the Taxi Licensing Policy

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