



Report Reference Number: E/19/40

To: Executive
Date: 10 January 2020
Status: Non Key Decision
Ward(s) Affected: All
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Lead Executive Member: Councillor Pearson, Lead Executive Member for Housing, Health and Culture
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Selby Taxi Licensing Policy 2019

Summary:

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

Officers have reviewed the consultation responses received and have updated the consultation draft of the policy. Updates are shown by way of tracked changes.

On the 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 the reviewing of the consultation responses and recommended the same to the Executive Committee for adoption.

On 2 December 2019 the Licensing Committee was reconsulted (following the time lapse and intervening decisions regarding suspending Section 6 of the current Policy), to enable any further representations to be made. These will be reported verbally to the Executive.

1. Recommendations:

The Executive to approve the proposed Taxi Licensing Policy 2019 shown at Appendix A.

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 proposed changes to Selby's Taxi

Licensing Policy are intended to strengthen the current policy by endorsing the requirement that public safety is paramount, and bring it in line with current guidance and best practice, in particular in relation to safeguarding and equalities.

- 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:
- 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, and 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 were set out in the report to the Licensing Committee on 19 November 2018:
- (a) Whether the policy should consistently refer to the private hire and hackney carriage vehicles as 'taxi's – a 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.

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 Lifting Operations and Lifting Equipment Regulations (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 (i.e. VOSA Certificate of Conformance issued)
3. The consultation responses have been reviewed and any relevant changes are now shown as tracked changes in Selby's proposed Taxi Licensing Policy 2019 (Appendix A).
 4. On the 8 April 2019 the Licensing Committee resolved to adopt the officer recommendations and endorsed the proposed Selby Taxi Licensing Policy 2019 (Appendix A).
 5. On the 11 June 2019 Policy Review Committee raised concerns about the new policy and requested that their comments be given to the Executive prior to a decision being made.

The concerns raised were:

- The Hackney Carriage fleet should be mixed. A mixture of saloon type vehicles and wheelchair accessible. Due to this they recommended that the proposed Taxi Licensing Policy should still include the 70/30 split. Some Councillors suggested 50/50.
 - How officers implement 70/30 if this was to remain in the proposed policy. It was suggested that there was an understanding that this would be a long process, taking up officer time and difficult to manage.
6. 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.
 7. 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.
 8. Upon renewal of an existing HC Wheelchair Accessible vehicle, the applicant would be required to provide a VOSA Certificate of Conformance for the adapted vehicle. If this is not provided the licence condition on the licence relating to the vehicle being "Wheelchair Accessible" will be removed, and the vehicle will become "Non-Wheelchair Accessible". (NB. For new, replacement

vehicles a VOSA Certificate of Conformance must be produced otherwise such application would be contrary to this Policy and be put before Licensing Committee for decision under the present scheme of delegation).

9. It is anticipated that by the end of the year, following the Policy adoption the HC fleet will be almost 100% 'Non-Wheelchair Accessible', (i.e. saloon type vehicles). This will resolve the issue concerning members that not all the current WAVs meet the Equality Act standards, and lead to a refreshed fleet of new compliant WAVs, albeit over a lengthy period of time.
10. 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.
11. On the 7 November 2019 the Executive resolved to suspend the whole of Section 6 of Selby's current Taxi Licensing Policy until the new policy is adopted. This means that in the interim, any vehicles, existing or new to the Hackney Carriage fleet could be a wheelchair accessible vehicle by Selby's current definition or be non-wheelchair accessible vehicle. It is anticipated that a number of non-wheelchair accessible applications will be submitted, increasing the number of non-wheelchair accessible type vehicles to the Hackney Carriage Fleet.
12. Policies are live documents and therefore should be reviewed regularly. This is a proposal that reflects current issues and circumstances, but will be reviewed in the future as circumstances may change.
13. On the 2 December 2019 the Licensing Committee were content with the new policy, but made the following observations:
 - That the number of Wheelchair Accessible Hackney Carriage Vehicles be reported annually to the Licensing Committee, and that
 - In the event that the split approaches 70/30 the Executive consider reviewing that part of the policy, and
 - That at page 26 of the policy, in relation to immediate revocation, the Committee suggested that it states the Head of Legal in consultation with the Chair of Licensing Committee takes such a decision.

14. Implications

14.1 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.

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.

14.2 Financial Implications

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

14.3 Policy and Risk Implications

No foreseen impacts.

14.4 Corporate Plan Implications

The consultation process, although not necessary will help us to achieve our corporate priority of making Selby a great place to live and 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.

14.5 Resource Implications

N/A

14.6 Other Implications

N/A

15. 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.

16. Conclusion

- 16.1** Adoption of the revised policy and the measures within it will support the statutory position and will help protect public safety.

17. Background Documents

Consultation Responses
Equality Impact Assessment

18. Appendices

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

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