

Report from the Assistant Director – Planning and Public Protection

## **Taxi Licensing Policy – Proposed Amendments**

### **Summary**

1. This report seeks Members approval to formally consult on proposed amendments to the Taxi Licensing Policy, and an adequate timeframe for the duration of the consultation.

### **Recommendations**

2. That Members approve Option 1 of this report.

Reason: This will allow the Council to formally consult on amendments to the Taxi Licensing Policy to bring Policy requirements in line with the five West Yorkshire Authorities.

### **Background**

3. Unlike other licensing regimes, there is no statutory requirement for local authorities to set hackney carriage and private hire policies. Local authorities are however entitled to adopt such policies as they are an integral part of the decision-making process. A policy guides, but does not bind, a local authority.
4. The current Taxi Licensing Policy was approved by this Committee on 25 April 2016, receiving final approve from the Executive on the 26 January 2017. The current policy can be found at Annex 1.

### **West Yorkshire and York Combined Authority**

5. Following the findings of the Jay and Casey reports, which related to the child sexual exploitation in Rotherham, the Leaders from the West Yorkshire and York Combined Authority asked Licensing Managers from the six authorities to form a working Group to look at harmonising policies in relation to certain areas concerning hackney carriage (taxi)

and private hire licensing. The Licensing Managers Group works in conjunction with and reports to a Group made up of the Chairs of Licensing Committees from the six authorities.

6. Licensing Managers, in agreement with the Licensing Chairs, determined that the areas that needed to be addressed related to:
  - Cross-border enforcement;
  - Training for new driver applicants and licensed drivers;
  - Determining the suitability of applicants and licensed drivers in relation to convictions;
  - CCTV in licensed vehicles;
  - Vehicle Specification; and
  - Information sharing between authorities.
7. Due to the introduction of the Deregulation Act 2015 Licensing Managers firstly looked at the issue of cross-border enforcement. On the 11 July 2016 this Committee supported the amendments to the scheme of delegation in relation to taxi and private hire enforcement powers. This was to allow the Council to delegate taxi and private hire enforcement powers to the five licensing authorities in West Yorkshire, as well as City of York Council retaining the powers as licensing authority. Final approval to the delegation scheme was given by Full Council on the 21 July 2016. The five West Yorkshire authorities also made relevant amendments to their schemes of delegation.
8. Licensing Managers have looked at the training that each authority expects a new driver applicant to complete prior to a licence being issued, and refresher training that existing licensed drivers should complete. It was decided that the training requirements should be the same for each authority. The proposed 'driver training policy' can be found at Annex 2.
9. It is a requirement of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 that Licensing Authorities must ensure that applicants for driver licences and licensed driver are and remain fit and proper to hold a licence. Therefore Licensing Managers have also looked at the how each authority judges the suitability of applicants and licensed drivers in relation to any convictions they may hold prior to a licence being issued or receive once a licence has been issued. It was decided that requirements relating to fit and proper should be the same for each authority. The proposed policy on

'determining the suitability of applicants and licensees as drivers in taxi and private hire licensing' can be found at Annex 3.

10. The proposed policy at Annex 3 has been produced in line with guidance issued by the Institute of Licensing in partnership with LGA (Local Government Association), LLG (Lawyers in Local Government) and NALEO (National Association of Licensing and Enforcement Officers). Their guidance was published in April 2018 'Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades'.
11. During the course of this project NAFN (National Anti-Fraud Network) has produced a national register for Taxi and Private Hire Driver Refusals and Revocations. City of York and the five West Yorkshire authorities are all registered with NAFN to use this service. The LGA are encouraging all licensing authorities to register. This national register will allow licensing authority to check the details of an applicant to determine if they have been refused a licence or had a licence revoked by another licensing authority.
12. Due to the differences between the authorities with regards to vehicle specification, it has been determined at this time that further consideration is required with regards to this matter. As detailed in paragraph 14 below City of York are proposing updates some elements of our vehicle specification.
13. Having spoken to other licensing authorities who have introduced the mandatory requirement for CCTV in licensed vehicles, it has been determine at this time that further consideration is required in relation to the requirements of the Information Commissioner, in relation to data protection.

#### Hackney Carriage and Private Hire Vehicles

14. To bring City of York in line with the West Yorkshire authorities officers would like to align some requirements for licensed vehicles. The proposed changes relate to introducing a new requirement that licensed vehicles display a licence disc in the windscreen, introducing a new requirement with regards to the colour of licensed vehicles, updating the requirements for the displaying of licensed plates and door signage and removing the requirement for a minimum engine size and displaying an internal sign. The proposed changes can be found at Annex 4.

## Consultation

15. If members determine that a consultation on the policy is undertaken it is suggested that an eight week consultation will be undertaken during November and December 2018. The outcome of the consultation will be brought to this Committee in the new year.

## **Consultation**

16. This report seeks authority to commence consultation on the attached draft policy.

## **Options**

17. Option 1 – Authorise officers to consult on the proposed amendments to the taxi licensing policy and agree the consultation period of eight weeks.
18. Option 2 – Authorise officers to consult on the proposed amendments to the taxi licensing policy and agree an alternative period for consultation.
19. Option 3 – Authorise officers to consult on alternative amendments to the taxi licensing policy and agree a consultation period.

## **Analysis**

20. Bringing policies/condition in line for the six licensing authorities in relation to driver training and determining the suitability of applicants and holders of driver licences safeguards passengers, other road users and the general public. It also provides clear guidance to applicants and licence holders that the licensing requirements in York are the same as the licensing requirements for the five West Yorkshire authorities. It is proposed that the new policies are implemented once they are approved by the Executive.
21. Amending the licence conditions to stipulate the locations where licence plates and door signage must be positioned on licensed vehicles makes the plates and signage clearly visible and therefore makes the vehicle clearly identifiable; this safeguards the passengers, other road users and the general public.

22. Introducing a window disc removes the requirement for vehicles to display an internal sign (plate). The window disc will stipulate the details of the issuing authority, licence number and expiry date on both sides of the disc so that it can be seen both inside and outside of the vehicle. The disc will be removed and retained by an authorised officer if the vehicle is suspended at anytime. The disc will only be returned to the licence holder once the suspension is lifted. This clearly indicate to authorised officers, the police and other members of the licence trade if a licensed vehicle continues to operator while the vehicle is suspended.
23. It is proposed that the amended conditions relating to licence plates and door signage, and the new requirement for window disc is implemented as follows:  
  
Hackney carriage vehicles – 1 June 2019  
Private hire vehicles – 1 November 2019
24. City of York currently recommends that taxis are a single colour, Black. It is proposed to introducing a single colour (Black) as a mandatory requirement. A single colour makes taxis clearly identifiable to the public, especially visitors, to know that the vehicle is regulated and safe. It is already a requirement that taxis must display the York Crest on their front doors. It will also clearly differentiate between private hire vehicles and taxis, and also between York taxis that can legitimately trade (ply for hire and rank) in the city and those from outside which cannot. A standard colour enhances the image of the taxi fleet. It is proposed that this requirement is introduced from the 1 June 2019, in relation to grant of vehicle licences and change of vehicles.
25. By introducing a mandatory single colour (Black) for taxis to make them clear identifiable it is proposed to introduce a mandatory requirement that private hire vehicle cannot be Black. This will clearly differentiate between licensed taxis and licensed private hire vehicles. It is already a requirement that private hire vehicles must display the signage on their rear doors providing details of their operator. It is proposed that this requirement is introduced from the 1 November 2019, in relation to grant of vehicle licences and change of vehicles.

## **Council Priorities**

26. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

## Implications

27. The direct implications arising from this report are:

- (a) **Financial** – The cost of consultation will be met from existing budgets.
- (b) **Human Resources (HR)** - There are no HR implications.
- (c) **Equalities** – There are no equalities implications.
- (d) **Legal** -
- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

## Risk Management

28. There are no known risks associated with this report.

## Contact Details

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**Report Approved**

**Date**

28/09/18

**Specialist Implications Officer(s)**

**Wards Affected:**

**All**

**For further information please contact the author of the report**

## **Background papers**

Institute of Licensing (IoL) Guidance:

<https://instituteoflicensing.org/NewsJobsArticle.aspx?NewsID=11318&NewsOrJob=news>

**Annex 1** – Taxi Licensing Policy

**Annex 2** – Proposed Hackney Carriage and Private Hire Driver Training Policy

**Annex 3** – Proposed Police on Determining the Suitability of Applicants and Licensees as Drivers in Taxi & Private Hire Licensing

**Annex 4** – Proposed changes to vehicle licence conditions