

Report from the Director – Environment, Transport and Planning

Taxi Licensing Policy

Summary

1. This report sets out a proposed timetable for the revision, consultation and implementation of a revised Taxi Licensing Policy.

Recommendations

2. That Members approve Option 1 of this report, namely:
 - i) Ask officers to form a working party of Members and a representative of each registered Hackney Carriage and Private Hire Association to formally review to Taxi Licensing Policy.
 - ii) Thereafter, ask Officers to formally consult on the revised Taxi Licensing Policy. Bringing the results of the consultation back to this Committee.
 - iii) Approve indicative the timetable for the revision, consultation and implementation of the Taxi Licensing Policy. The proposed timetable can be found at Annex 1.
3. Reason:
 - i) To formally review the Taxi Licensing Policy to make sure it is in line with the requirements of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards, any other statutory legal requirements and best practice.

Background

4. The Council's Taxi Licensing Policy (Policy) was published in January 2017; it was reviewed in 2019 with regards to matters relating to:

- determining the suitability of applicants and licensees as drivers in taxi and private hire licensing; and
 - driver training requirements.
5. A report was brought to Members on 22 February 2021 with regards to the Department for Transport (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' (the Standards), which were published in July 2020. At paragraph 1.3, it states 'The Department expects these recommendations to be implemented unless there is a compelling local reason not to'. Therefore, Licensing Authorities must have regard to the recommendations when exercising relevant functions or justify why they have departed from them and the reason for that departure.
 6. The DfT published the Standards as hackney carriages (taxis), and private hire vehicles are a 'high-risk environment'. For example, links between the trade and child sexual abuse and exploitation have been established in many areas of the country.
 7. The main focus of the Standards is on protecting children and vulnerable adults, however all passengers will benefit from the Standards.
 8. The Council already implements a number of the requirements within the Standards in the existing Policy (a separate report on this meeting's agenda outlines a recommended approach to implementing the use of the National Register of Refusals and Revocations (known as the NR3 Register)). To aid the working group Officers have drafted a revised Policy to incorporate the requirements of the Standards that are not already implemented.
 9. The Council's current Policy and the Standards are available online, links provided below.

Consultation

10. This report is seeking permission to formally consult on the revised Policy. In due course, all holders of driver, vehicle and operators' licences will be consulted, as well as stakeholders, such as local business representatives, and the public.
11. The DfT formally consulted on the Standards prior to their implementation, from 12 February to 22 April 2019.

Options

12. Option 1

- i) Ask officers to form a working party of Members and a representative of each registered Hackney Carriage and Private Hire Association to formally review the Taxi Licensing Policy.
- ii) Ask Officers to formally consult on the revised Taxi Licensing Policy. Bringing the results of the consultation back to this Committee.
- iii) Approve the indicative timetable for the revision, consultation and implementation of the Taxi Licensing Policy. The proposed timetable can be found at Annex 1.

13. Option 2

- i) Determine that a working party is not required and ask Officers to formally consult on the revised Taxi Licensing Policy drafted by Officers. Bringing the results of the consultation back to this committee.
- ii) Approve an amended timetable (removing the revision element) for the consultation and implementation of the Taxi Licensing Policy. The timetable can be found at Annex 1.

14. Option 3

- i) Determine that a formal public consultation is not required, giving reason why. Ask Officer to bring the Taxi Licensing Policy drafted by Officers to this Committee to make recommendation to the Full Council.
- ii) Determine that a timetable is not required.

Analysis

- 15. Option one and two will seek the views of licence holders and stakeholders/interested parties, via formally public consultation, prior to the implementation of the Policy, this should prevent a legal challenge of the Policy or assist the Council in defending a legal challenge of the Policy.

16. Option three could leave the Council open to legal challenge by way of a judicial review, for not seeking the views of licence holders and stakeholders/interested parties.

Current Policy Requirements and Unmet Demand Survey

17. It is a requirement of the Council Policy that it is kept under review, and that the Council will consult on revisions where appropriate. It advises that reviews will take place in line with the requirements to undertake unmet demand surveys, once every three years. Due to the Covid 19 pandemic the unmet demand survey did not take place in 2020, Members agreed that the survey would be proposed by 12 months. The survey was undertaken in 2021, the results of which have been considered by Members of this Committee with recommendations going before Council on 20 October 2022.
18. Members of this Committee and the Executive have also considered the type of vehicle that will be licensed with regards to the 'grant' of a hackney carriage vehicle licence. Recommendations from the Executive will also be going before Council on 20 October 2022.
19. The revised Policy will include the decision of Council.

Other Considerations

20. The review of the Policy can also consider additional changes that are outside the scope of the Standards. On the 7 June 2022, Members of this Committee determine to review the hackney carriage rank provision, along with the vehicles specifications for hackney carriage and private hire vehicles as part of the review of the Taxi Licensing Policy.

Council Priorities

21. The taxi licensing functions undertaken by the Council are statutory, reviewing the Taxi Licensing Policy will support the Council's priorities in respect of:
 - A greener and cleaner city
 - Safe communities and culture for all

Implications

22. The direct implications arising from this report are:
- (a) **Financial** – There are no financial implications.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – An Equalities Impact Assessment will be undertaken prior to the implementation of the revised Policy.
 - (d) **Legal** –
The Council should consult on any changes to its licensing policy that might affect passengers or trade. In accordance with section 177(4) of the Policing and Crime Act 2017, the licensing authority must have regard to the DfT 2020 guidance when exercising its functions. Any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence in the event of a legal challenge to the authority’s practice.
 - (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

23. Applying the Council’s risk scoring criteria, by undertaking a formal review and consultation of the Policy prior to implementation, as recommended at option one, poses a ‘minor’ risk, with the likelihood of any legal challenge being ‘unlikely’ giving a score of 8 (green risk). Failing to complete a formal consultation poses a ‘moderate’ risk with the likelihood of any legal challenge being ‘probable’ giving a score of 15 (yellow risk).

Contact Details

Author:	Chief Officer Responsible for the report:
Lesley Cooke Licensing Manager	James Gilchrist – Director of Environment, Transport and Planning

	Report Approved	√	Date	
Specialist Implications Officer(s)				
Wards Affected:			All	√
For further information please contact the author of the report				

Background papers

Taxi Licensing Policy

https://www.york.gov.uk/downloads/file/9715/taxi_licensing_policy

DfT Statutory Taxi and Private Hire Vehicle Standards

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Annexes

Annex 1 – Indicative Timetable