

Report from the Assistant Director – Housing and Community Safety

Taxi Licensing Policy

Summary

1. This report seeks Members' support for approval of the council's Taxi Licensing Policy. It advises of the consultation undertaken and the amendments made to the draft policy following the consultation.

Recommendations

2. That Members **approve Option 1** of this report to adopt a Taxi Licensing Policy.

Reason: This will allow the Council to introduce a Taxi Licensing Policy.

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. A report was brought to this committee on 8 February 2016 asking for approval to formally consult on a proposed Taxi Licensing Policy. This proposed policy consolidated all of the council's existing policy documents along with proposed new policies into a single Taxi Licensing Policy. Members authorised officers to go out for formal consultation on the proposed policy.
5. The consultation asked respondents for their views/comments on the proposed policy.

Consultation

6. An 8 week consultation was carried out on the Taxi Licensing Policy, from the 12 February to the 8 April 2016.
7. The council consulted the holders of hackney carriage vehicle and driver licences, and private hire vehicle, driver and operator licences. This was done by direct mailing and use of the council's website.
8. The council also consulted:
 - Hackney Carriage and Private Hire Associations
 - North Yorkshire Police
 - City of York Council Network Management
 - City of York Council Children Services
 - City of York Council Adult Services
 - City of York Council Public Health
 - York District Hospital
 - Make it York
 - North Yorkshire County Council School Transport
 - Ward Councillors
 - Parish Councils
 - Groups that represent disabled people
 - Groups that represent elder people
 - CAB

This was done by email and use of the council's website.

9. In total 17 responses were received to the consultation, 13 from the taxi trade (including 2 Associations) and 4 for other agencies/bodies. These responses can be found at Annex 1.
10. A further 2 responses were received after the consultation period ended. Officers have not had the opportunity to include these within Annex 1. It will be for the committee to determine if they wish to take these responses into consideration, they can be found at Annex 2.

Options

11. Option 1 – Approve the proposed policy.
12. Option 2 – Amend the policy proposed.

Analysis

13. Of the responses to the policy from the taxi trade 3 relate to the issuing of three year driver licences from the 1st April 2016. It is a requirement of Section 10 of the Deregulation Act 2015, which took effect from the 1st October 2015, that driver licences are issued for a period of three years, or for such a lesser period as the district council think appropriate in the circumstances of the case. Following the consultation an amendment has been made to the policy in relation to the refund of fees to state:

‘No refund will be given in respect of an unused portion of a licence, unless the council believes there are appropriate circumstances, this will be determine on a case by case basis.’

14. A further 3 responses to the policy from the taxi trade objected to the wording of condition 1(b) of the Private Hire Vehicle Licence Conditions, within Appendix 1 of the Policy and condition 21 of the Private Hire Operators’ Conditions within Appendix 10, which states:

A sign on the rear passenger doors including the name and telephone number **and/or website address** of the firm and the words “PRIVATE HIRE VEHICLE – PRE BOOKED ONLY” in suitable lettering at least 50mm (2”) but not more that 100mm (4”) high. The approval of the Council should be sought before the display of the sign. The sign must not include the words “FOR HIRE”, “TAXI” OR “HACKNEY CARRIAGE”.

15. Following a request from a private hire operator applicant in September 2015, the wording of the above condition was amended to include ‘and/or website address’. The amendment was done in accordance with the council’s constitution, by way of an ‘officer decision’ in consultation with the Director of Communities and Neighbourhoods, and the Chair of this Committee.
16. When considering section 23 of the policy ‘Environmental Considerations’, and the introduction of European Standards for licensed vehicles, there were 11 responses from the taxi trade. The main concern regarding the introduction of European Standards relate to the increase cost of replacing a licensed vehicle. This section was included within the policy at the request of the council’s Public Protection Air Quality Officers to assist the council to meet its’ health-

based air quality objectives. An Air Quality Officer will address committee regarding this matter.

17. The Council licences 183 hackney carriage and 580 private hire vehicles, a combined fleet of 763 vehicles. 582 (76%) of these vehicles are 5 or more years old, and 181 (24%) being 10 or more years old.
18. The policy does not propose to make all diesel vehicles Euro 6 after the 1 June 2017. It proposes that at the point of change of vehicle, the vehicle to be licensed will meet either Euro 5 petrol or Euro 6 diesel, from the 1 June 2017 for taxis and 1 November 2017 Private hire vehicles.
19. A guide to the age of vehicles in relation to the Euro Standards:
 - New private hire vehicles from 1st November 2016
 - Euro 5 petrol – can purchase any petrol vehicle up to 7 years and 2 months old
 - Euro 6 diesel – can purchase any vehicle less than 2 years 2 month old
 - Can purchase any ultra low emission vehicle (CO₂ 75g/km)
 - Replacement vehicles after 1st June 2017
 - Euro 5 petrol – can purchase any petrol vehicle less than 7 years and 9 months old
 - Euro 6 diesel – can purchase any vehicle less than 2 year 9 months old
 - Can purchase any ultra low emission vehicle (CO₂ 75g/km)

(Note: Some vehicles slightly older than these guideline dates may meet the correct emission standards depending on when manufacturers released the new models for sale. For example some vehicles sold earlier in 2013 may have achieved Euro 6).
20. Following the consultation an amendment has been made to the policy in relation to Euro Standards and wheelchair accessible vehicles, paragraph 22.5 of the policy now also includes:
 - Diesel wheelchair accessible vehicles – Euro V diesel vehicles class*

*this only applies to replacement vehicles and if the following criteria is met:

- The vehicle licence was granted prior to the 1 May 2016 to a wheelchair accessible vehicle;
- The replacement vehicle is wheelchair accessible;
- The vehicle licence is renewed annually;
- Ownership of the vehicle remains in the name of the vehicle licence proprietor whose name was on the licence on the 1 May 2016;

If the above criteria is met a vehicle licence proprietor may replace the licensed wheelchair accessible vehicle as many times as necessary until this policy is amended.

21. A total of 4 responses to the policy were received from other agencies/bodies:

(a) City of York Council, Health Improvement Manager – support the health and safety and air quality elements of the policy. The wording of paragraph 2.3 has been strengthened to highlight a range of impairments. An additional section, 37 ‘Optional Training’ has been included within the Policy highlighting that the Council offers training in equalities and dementia friends.

(b) York Blind and Partially Sighted Society – would like to see more robust requirements with regards to eye sight tests. The Council policy is in line with the Department for Transport Best Practice Guidance, that drivers must complete a medical to DVLA Group 2 standard. If required the Councils can also request that a driver has additional Group 2 standard medicals or further medical assessments.

(c) York Green Party – would like the introduction of different air quality matters. An Air Quality Officer will address committee regarding this matter.

(d) York Teaching Hospitals NHS Foundation Trust – encourage and support the work of the Council is developing as part of its commitment to sustainability and clear air through its taxi policy.

22. The proposed policy is attached at Annex 2.

Council Priorities

23. 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

24. The direct implications arising from this report are:
- (a) **Financial** – There are no direct financial implications for the council, however as a result of the adoption of Euro Standards for vehicles, this could result in an increased cost for the taxi trade.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – An equalities impact assessment has been undertaken in relation to the new Taxi Licensing Policy.
 - (d) **Legal** - There is no statutory requirement to adopt a Taxi Policy however, it is best practice to do so. Whilst an adopted policy will be a consideration in determining applications it must not be applied in a prescriptive way which could fetter the discretion of the Licensing Authority in respect of individual applications.
 - (e) **Crime and Disorder** – There are no crime and disorder implications. The legislation and the policy address issues relating to public safety.
 - (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

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

Contact Details

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	Report Approved	√	Date 13/04/16
Specialist Implications Officer(s) Alison Hartley Senior Solicitor Ext: 3487			
Wards Affected:		All	√
For further information please contact the author of the report			

Background papers

None

Annex 1 – Consultation Responses

Annex 2 – Late Responses

Annex 3 – Taxi Licensing Policy