

Taxi Licensing Policy Review - Scoping Report

Purpose of Report

1. This report introduces the Council's current Taxi Licensing Policy and the issues to be addressed as part of this scrutiny review, and asks Members to agree a workplan for the review.

Background to Taxi Licensing In York

2. The principal aim of a taxi licensing policy is to protect the travelling public and to ensure there is adequate provision accessible to all who require the services. The industry is divided into hackney carriage and private hire. Hackney carriages trade from ranks, can be hailed in the street and accept pre booked work. Private hire vehicles must be pre booked through an operator. In both cases vehicles are licensed with locally determined conditions. Drivers are also licensed and their suitability is also determined against locally set criteria.
3. In York, applicants are issued with guidance notes with the application form, detailing all the requirements of this authority. In respect of licensed vehicle numbers a licensing authority cannot limit the number of private hire vehicles it licenses, and market forces regulate the provision. There are currently 562 licensed private hire vehicles operating in the city.
4. Licensing authorities can impose a limit on the number of licensed hackney carriage vehicles provided there is no unmet demand for such vehicles. In guidance issued to local licensing authorities by the Department for Transport (Best Practice Guidance for Taxi and Private Hire Licensing) it states that it is best practice not to impose any quantity restrictions. 74% of authorities do not have any quantity restrictions.
5. The current policy of this council however is to limit the number of hackney carriage vehicle licences it issues. There are currently 178 licensed vehicles and this policy was set in by the Licensing and Regulatory Committee in May 2008 following a survey of unmet demand. At that time, 15 new hackney carriage vehicle licences were issued and it was determined that from the 1st July 2009 a further 2 licences would be issued every 6 months and it was agreed that further surveys would be undertaken every three years. This restriction policy, was one of the reasons that this topic was registered.

Background to Scrutiny Review

6. This topic was registered by Councillor Gillies as Chair of the Licensing & Regulatory Committee, following a number of recent meetings where the committee made decisions based on the council's current Taxi Licensing Policy, which highlighted aspects of the policy open to interpretation. The Licensing & Regulatory Committee unanimously agreed that the policy was in need of review to ensure it was robust and fit for purpose.
7. In September 2010, the Community Safety Overview & Scrutiny Committee received a feasibility report on the proposed topic informing them that nationally, each authority sets its own policy based on its own specific requirements. Therefore little would be gained by looking in detail at the Taxi Licensing Policies in place elsewhere. Instead it was proposed that the review would be better informed if it were to focus on the Department for Transport's 'Best Practice Guidance for Taxi & Private Hire Licensing' – see copy at Annex A. This authority's guidance for applicants contains the conditions currently applied to vehicle and driver licences and is attached at Annex B
8. In accordance with the decision of members of the Licensing and Regulatory Committee in May 2008, a further survey of unmet demand is required in spring 2011 with a view to reviewing the restriction policy on hackney carriage numbers. Officers have welcomed this scrutiny review as a way of assisting with the revision of this policy within that timeframe.
9. With that in mind, the Community Safety Overview & Scrutiny Committee agreed to set up a Task Group to carry out this review on their behalf and that a draft final report should be brought back to them for their consideration at their meeting in March 2011 in order to meet the Licensing Unit's deadline of spring 2011. They also agreed the following remit for the review:

Aim

To ensure the council has an up to date Taxi Licensing Policy which is robust and fit for purpose.

Key Objectives

- i. To consider the future allocation of hackney carriage vehicle licences having regard to the Department for Transport's Best Practice Guidance for Taxi & Private Hire Licensing, in meeting the needs of all potential members of the travelling public
- ii. To examine the provision and usage of taxi ranks in the city
- iii. To examine conditions attached to vehicle licences, in particular with regard to accessibility, emissions, vehicle colour and window tinting
- iv. To look at innovative ways in which the licensed taxi and private fleet may enhance the public transport provision both within the city and in rural communities

10. Having set the remit, the Committee agreed the Task Group could form their own workplan for completing the review.

Consultation

11. The Head of Licensing, Bereavement and Registry Services will be present at the meeting to give a presentation detailing an overview of CYC's Licensing Policy, and to support the work of the Task Group.
12. In addition, it is suggested that the following parties be involved / consulted at a future meeting(s) of the Task Group:
 - Taxi and Private Hire Vehicle Licence Proprietors
 - Taxi and Private Hire Drivers
 - Private Hire Operators
(The above are represented by 3 trade organisations)
 - People on waiting list for a hackney vehicle licence
 - Access Groups
 - CYC Highways officers
 - CYC Licensing Unit officers
 - CYC Legal officers
 - North Yorkshire Police

Supporting Information

13. Local Government Regulation (LGR), formerly the Local Authorities Coordinators of Regulatory Services (LACORS), is the local government central body responsible for overseeing local authority regulatory and related services. They provide a comprehensive range of advice, guidance and professional opinion to councils to ensure a consistent and common sense approach to the enforcement of regulatory services, including taxi and private hire vehicle (PHV) licensing, and have recently started supporting taxi and private hire vehicle (PHV) licensing.
14. Their website and services are made available to local authority heads of regulatory services, front line council officers, councillors, officers from central bodies, staff and officials from partner organisations such as central government departments and professional bodies.
15. LGRs' advice and professional opinion tends to be supported and followed by councils because of the shared desire for consistency; because the advice represents a consensus view; and because the views of other stakeholders, including central government and businesses, would have been considered at a national level. As legislation changes over time, any advice given by LGR is based on the information available at the time their guidance is produced. It is not necessarily comprehensive and is subject to revision in the light of further information. It is not intended to be a definitive guide to, nor substitute for, the relevant law. In areas where the law is unclear, councils should follow a common interpretation so as to provide clarity and certainty for individuals and businesses.

16. LGR have recently produced a councillors handbook for England and Wales on Taxi and PHV Licensing. This informative handbook has been developed to help councillors understand some of the key issues concerning taxi and PHV licensing. It is intended to be used as a starting point to explain some of the difficulties that can arise in this complex area of business regulation. Hard copies of the handbook will be made available to members of the Task Group and it is also available online at: <http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13018&path=12836>

17. In addition to this, LGR have recently produced a number of other documents to support local authorities:

- A Local Government Regulation Standard Conditions Template - This is intended to act as a guide for local licensing authorities to judge whether their existing conditions reach the adjudged minimum standards which are considered to be fair and reasonable for the trade, as well as helping to ensure the public are protected whilst travelling by taxi and PHV – see copy at Annex C.

Many licensing authorities have higher standards which may be considered good practice which are included in the ‘other’ column, it is expected that local licensing authorities may wish to consider these standards in line with the needs of their local areas.

- A Criminal Convictions Policy – This has also been developed through consultation with local councils, drawing elements from existing policies with the view to creating a standard document for reference. Comments were also received from the Department for Transport, NALFO, IoL and TfL. The policy is guidance only and it is recognised that local councils may wish to depart from any suggested conditions based on the specific details of each applicant. The document will remain under review and local councils have been invited to make further suggestions to ensure it is relevant to councils’ needs – see copy at Annex D.

Suggested Workplan For Review

18. Following the presentation given at this meeting, the Task Group will need to agree their workplan for future meetings - see suggested workplan below:

Suggested Meeting Dates	Suggested Workplan
<u>Meeting 1</u> 15 November 2010 5:30pm	<ul style="list-style-type: none"> • Consider scoping report containing information gathered to date • Receive presentation on ‘Overview of CYC Licensing Policy’ • Agree suggested workplan and future meeting dates
<u>Meeting 2</u> w/c 13 Dec 2010	Receive interim report presenting information relating to specific areas of policy that officers believe would benefit from scrutiny within the general scope of the review

	<p>Identify:</p> <ul style="list-style-type: none"> • relevant consultees and any issues to be addressed through consultation at the next meeting • any additional information required
<p><u>Meeting 3</u> w/c 10 Jan 2011</p>	<p>Receive interim report and carry out consultation with relevant parties</p> <p>Based on information gathered:</p> <ul style="list-style-type: none"> • suggest any innovative ways in which the licensed taxi and private fleet may enhance the public transport provision both within the city and in rural communities • identify best practice and requirements specific to York to be addressed as part of the revisions to the council's Taxi Licensing Policy, to inform the work of the Licensing Unit
<p><u>Meeting 4</u> w/c 14 Feb 2011</p>	<p>Consider draft final report containing suggested recommendations</p>
<p>1 March 2011</p>	<p>Presentation of final report to Community Safety O & S Committee</p>

Options

19. Having considered the information provided within this report and its associated annexes, Members may choose to:
- Amend the suggested workplan
 - Identify any additional information to be presented at future meetings

Implications

20. There are no known Financial, HR, Legal, Equalities, ITT or other implications associated with the recommendations in this report.

Corporate Strategy

21. This topic falls within the remit of the Community Safety Overview & Scrutiny Committee and supports a number of the aims of the council's Corporate Strategy i.e. to make York a thriving city with a successful economy and a safer city.

Risk Management

22. There are no known risks associated with the recommendations made within this report.

Recommendations

23. Members are recommended to agree:
- i. Agree a workplan for the review including a number of future meeting dates
 - ii. What if any, further information will be required in support of the review (outside of that which is identified within the suggested workplan at paragraph 18 above).

Reason: To ensure compliance with scrutiny procedures, protocols and workplans.

Contact Details

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Report Approved

Date 5 November 2010

Specialist Implications Officer(s)

Wards Affected:

All



For further information please contact the author of the report

Background Papers: N/A

Annexes:

- Annex A** - DfT Best Practice Guidance
- Annex B** - CYC Guidance Notes For Applicants
- Annex C** - Standardised Conditions Template
- Annex D** - Criminal Convictions Policy