



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LICENSING COMMITTEE
DATE:	7 JUNE 2017
REPORT OF THE:	DELIVERY AND FRONTLINE SERVICES LEAD BECKIE BENNETT
TITLE OF REPORT:	REVIEW OF TAXI AND PRIVATE HIRE POLICY
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek approval of the updated Taxi and Private Hire Policy following consultation.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Taxi and Private Hire Policy (attached at Annex A) is approved.

3.0 REASON FOR RECOMMENDATION

- 3.1 The Council's Taxi and Private Hire Policy has been reviewed and following a 12 week consultation exercise has been updated for approval.

4.0 SIGNIFICANT RISKS

- 4.1 Failure to regularly review and consult on a Taxi and Private Hire Policy may result in a policy which is unsuitable for dealing with current issues/trends within the taxi industry. Failure to produce a suitable and sufficient Policy may also leave the Council open to legal challenge and any subsequent costs.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Unlike other licensing regimes, there is no statutory requirement for local authorities to set taxi 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.
- 5.2 A report was brought to this committee on 14 February 2017 asking for approval to formally consult on the proposed Taxi and Private Hire Policy. This proposed policy consolidated the Council's existing policy document along with changes to legislation, local circumstances and relevant safeguarding issues. Members authorised officers to go out for formal consultation on the proposed policy.

- 5.3 The consultation asked respondents for their views/comments on the proposed policy.

6.0 POLICY CONTEXT

- 6.1 The following Policies have informed this report:

- Corporate Plan
- Corporate Risk Assessment
- Budget Policies

7.0 CONSULTATION

- 7.1 Consultation period:-1st March-24th May 2017.

- 7.2 List of consultees:-

- All of Ryedale taxi, private hire vehicle drivers and private hire operators
- North Yorkshire Police
- North Yorkshire County Council
- RDC's Community Safety and Safeguarding Panel
- The proposed policy was advertised and available to download from the Council's website

8.0 REPORT DETAILS

- 8.1 The proposed Taxi and Private Hire Policy was formally published for consultation following the recommendation of this Committee on the 14 February 2017. This allowed the Cabinet Office recommended consultation period of twelve weeks to take place. All consultees have received a copy of the proposed Taxi and Private Hire Policy and a link to make comments. In addition, a copy of the proposed policy together with a link to make comments was also made available on the website.

- 8.2 The updated Taxi and Private Hire Policy reflects a balanced approach towards the licensing of taxi and private hire vehicle, drivers and private hire operators. The proposed Policy is based on the requirements of the relevant Acts and includes changes as a result of either new or amended legislation, local circumstances and relevant safeguarding issues.

- 8.3 Widespread consultation with the trade has taken place and 10 responses have been received together with comments from North Yorkshire Police.

8.4 CONSULTATION ANALYSIS

The main areas reviewed within the Taxi and Private Hire Policy were highlighted as part of the consultation exercise and the responses are summarised below:

- 8.5 Maximum vehicle age

64% of respondents agreed that the current maximum vehicle age restrictions were acceptable. Comments ranged from a reduction to a 3 year minimum to a 12 year maximum. Recommend keeping current vehicle age restrictions of 5 years minimum and 10 years maximum in the new policy.

8.5 Safeguarding training

82% of respondents agreed with the proposal to introduce mandatory training in safeguarding for new drivers. Those who did not agree felt that the DBS check was sufficient. Recommend introducing mandatory safeguarding training for all new drivers within 6 months of their drivers licence being granted in the new policy.

8.6 Online Disclosure and Barring Services(DBS) update service

91% of respondents agreed that the introduction of a requirement for all licensed drivers to register with the online Disclosure and Barring Service update service. Recommend introducing this as a requirement for all licensed drivers in the new policy.

8.7 Private Hire Operators requiring DBS check

91% of respondents agreed that private hire operators should undertake a DBS check. Recommend introducing this as a requirement for private hire operators in the new policy.

8.8 Requirement for new drivers to undertake a Knowledge/locality test

The respondents were almost equally split with their views on this change with 55% in favour of introducing a knowledge test. Comments against stating that sat nav use was very common to Ryedale being a small area. Those in favour stating that customers are paying for a professional service to get them from A to B and using sat nav's doesn't look professional. As the test involves a knowledge of what's in the taxi licensing policy itself and not just how to get from place to place we would recommend the proposed knowledge/locality test for new drivers be included in the new policy.

8.9 Age when drivers can apply for dual drivers licence

91% of respondents agreed with the proposal to allow drivers to apply for a dual drivers licence when aged 18 years or over with one years driving experience. Recommend this as a requirement in the new policy.

8.10 Introduction of a dress code for drivers

80% of respondents agreed with this proposal. The dress code does not dictate what any person should wear, just that they give out a smart appearance, we would recommend this be included in the new policy.

8.11 Hackney Carriage proprietors to keep accurate records of vehicle usage to establish whether the vehicle is being used primarily in Ryedale

60% of respondents agreed with the proposal. The reason being to ensure those applying for a hackney carriage licence have a genuine interest in plying for hire within Ryedale. Recommend that this requirement be included within the new policy.

8.12 Restrict the issue of driver licences to applicants living within a 5 mile radius of the Ryedale boundary

In order to ensure effective enforcement arrangements operate and to prevent issuing licenses to applicants not intending to trade in Ryedale it is recommended that the policy continues to restrict the issue of the dual drivers licences to applicants living within a 5 mile radius of the Ryedale boundary.

8.13 Social Media

Due to the increasing use of social media, and following a number of complaints about inappropriate postings on social media sites, it is recommended the section headed "conduct of driver" includes a requirement that the driver shall not cause offence by the use of social media.

8.14 Immigration Act 2016

The Immigration Act 2016 has recently come into force with regard to taxi driver licensing. In summary, the Council now has a duty to check a persons immigration status prior to the issuing of a licence. Recommend that the new policy includes details of the Immigration Act 2016 and the consequences for taxi licensing.

8.15 Disability Equality Training

The Guide Dogs for the Blind Association have also responded to the consultation and have made two key recommendations:

(a) all drivers should undertake disability equality training prior to their licence being issued and

(b) that every access refusal should be investigated with a view to prosecution as such behaviour constitutes a criminal offence under the Equality Act 2010.

8.16 The Council has not received any complaints of access refusal and would therefore find it difficult to justify insisting that all drivers undertake disability equality training prior to their licence being issued. However, where a particular driver causes concern in relation to access refusal then they could be referred to undertake specific disabled equality training. Like any other complaint received, access refusal would be investigated and dealt with under the Council's enforcement policy.

8.17 The draft taxi and private hire policy has been amended to take into account the above mentioned changes(8.12-8.16)

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

No financial implications.

b) Legal

The updated Taxi and Private Hire Policy has been updated to include all changes to relevant legislation. Under the Local Government (Miscellaneous Provisions) Act 1976, Licensing Authorities may attach conditions to private hire driver's licences, vehicle and operators licences.

c) Others

Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to exercise its function with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder in its area. In addition there are obvious links to community safety in ensuring an adequate supply of properly licensed vehicles as a safe mode of transport for the public, particularly at times when other public transport may be available.

10.0 NEXT STEPS

If the recommended Taxi and Private Hire Policy is approved it will come into effect immediately.

Beckie Bennett, Delivery & Frontline Services Lead

Authors: Robert Robinson and Ronnie McClure

Telephone No: 01653 600666 ext: 300/250

E-Mail Address: robert.robinson@ryedale.gov.uk / ronnie.mcclure@ryedale.gov.uk

Background Papers:

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Immigration Act 2016

Ryedale District Councils Taxi Licensing Policy & Procedures

Consultation Responses