

Annex B

Review of Taxi & Private Hire Licensing Policy 2021-2026

Recommendation 1

To confirm that the Standards have been considered in the formulation of the Policy which will be subject to a minimum 5 yearly review. It is acknowledged that more regular reviews may still take place where considered necessary (**Taxi & PH Policy 1.3, 1.14 & 1.15**).

Recommendation 1 - Comments	Accepted into Policy?	Reasons why or why not?
No, leave as is please. No need, not enough staff in Ryedale council to complete the review.	No	The Licensing Authority is obliged to regularly review its policies and will allocate the resources necessary to achieve this.
Agreed	N/A	Comment noted

Recommendation 2

To increase the frequency of DBS checks in respect of licensed drivers from 3 yearly to 6 monthly. This will be achieved via the use of the DBS update service which all drivers are required to subscribe to. This represents no additional cost to the licence holder unless changes to their criminal record are indicated, at which point they will be required to undertake a new DBS check (**Taxi & PH Policy Appendix A, 3**).

Recommendation 2 - Comments	Accepted into Policy?	Reasons why or why not?
Again, leave well alone! More paperwork for us and for your staff... understand if it was a big city. But we live in a very rural area. We just want to provide a service to locals and tourists. Be out there driving people around, not employing staff to do more paperwork!	No	It is acknowledged that increasing the frequency of checks will result in some additional work for Council staff, however should have little impact on drivers. These checks are also considered necessary in terms of promoting the safety of the public.
This seems sensible	N/A	Comment noted
Agreed	N/A	Comment noted

Recommendation 3

To include as part of the application criteria that all drivers must have proficient English oral and written language skills, and that additional evidence of competency may be required where deemed necessary (**Taxi & PH Policy Appendix A, 13**).

Recommendation 3 - Comments	Accepted into Policy?	Reasons why or why not?
Wouldn't this be discrimination under the 2010 Equality act?	No	In 2017 the High Court determined that an English language requirement imposed on drivers is legitimate, proportionate and not discriminatory. This requirement also forms part of the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards.
This also seems sensible	N/A	Comment only
Agreed	N/A	Comment only

Recommendation 4

To confirm that based on the low level of reported incidents within licensed vehicles, the Council does not consider the mandatory installation of CCTV in vehicles to be proportionate at this time. Factors such as cost, data responsibilities and privacy have also been considered in forming this view. In line with the Standards, regular reviews will take place to identify any local circumstances which may indicate that CCTV would have either a positive or an adverse net effect on the safety of taxi and private hire users. Full consultation with stakeholders would take place as part of such a review (**Taxi & PH Policy Appendix J, 2**).

Recommendation 4 - Comments	Accepted into Policy?	Reasons why or why not?
This is Ryedale, not the mean streets of London! Get rid of Uber and others and there will be no need for all this.	N/A	Comment noted
We would like CCTV to be in all vehicles to protect both customers and drivers and we would like to see the council making contributions to this as other local authorities have done.	No	Comment noted – The Licensing Authority has committed to regularly reviewing the mandatory installation of CCTV however does not consider it proportionate at this time.
Disagree	N/A	No further comments provided

Recommendation 5

To require a Basic DBS disclosure from the proprietor of a licensed vehicle where they are not already a licensed driver with RDC **(Taxi & PH Policy 3.5 & 3.6)**.

Recommendation 5 - Comments	Accepted into Policy?	Reasons why or why not?
Yes this will ensure that both drivers and owners are trustworthy	N/A	Comment noted
Agreed	N/A	Comment noted

Recommendation 6

Include a requirement that Operators ensure staff who book or dispatch vehicles obtain a basic DBS check, and that a register of such staff who have had a check done together with the date of the check is maintained. This requirement will not apply to staff who are already a licensed driver with RDC **(Taxi & PH Policy Appendix C, 26)**.

Recommendation 6 - Comments	Accepted into Policy?	Reasons why or why not?
If the staff aren't actually being in contact with our customers, then why?	N/A	This requirement will only apply to staff who book or despatch vehicles.
I agree with this the only problem is how will you get a register of those staff	N/A	Comment Noted – The Licensing Authority is proposing to provide a template register Operators may wish to use. The register will also be checked as part of the inspection of an Operator's premises.
Agreed	N/A	Comment noted

Recommendation 7

Include a requirement that Operators record the name of any individual that responds to a booking request, and the name of any individual that despatches a vehicle **(Taxi & PH Policy Appendix C, 24)**.

Recommendation 7 - Comments	Accepted into Policy?	Reasons why or why not?
GDPR?????	N/A	This requirement forms part of the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards. No GDPR issues have been identified.
We already record this on our dispatch system	N/A	Comment noted
Agreed	N/A	Comment noted

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Recommendation 8

Require Operators to notify the person making a booking that they will be utilising a PCV or PCV driver and obtain their consent prior to despatching the vehicle. This situation may arise where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required. Given that PCV licenced vehicles and drivers are subject to different checks (via the Driver and Vehicle Standards Agency), it is important that the individual making the booking is made aware of this fact and given the choice to book with a different operator should they choose. **(Taxi & PH Policy Appendix C, 12)**.

Recommendation 8 - Comments	Accepted into Policy?	Reasons why or why not?
Common sense should prevail first? How many people? 6! Ok you had better book with Helmsley taxi. If there are 7 ok, book with Moorside taxi..... simple!	N/A	Comment noted – It is accepted that this situation is unlikely to be commonplace within Ryedale, however does form part of the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards.
I don't think this is relevant as if passengers want to book anything above 8 then this doesn't fall into the realms of taxis anyway and PCV drivers are subject to the same DBS checks and vehicles to a more stringent check than taxis	N/A	Comment noted – It is accepted that this situation is unlikely to be commonplace within Ryedale, however does form part of the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards.
Agreed	N/A	Comment noted

Recommendation 9

- Include a new section within Appendix D of the Policy confirming that applicants and licence holders with conviction(s) relating to exploitation shall normally be refused a licence.
- Where a conviction or caution relates to possession of a weapon, the period an applicant is expected to have remained free of conviction or caution be increased to 7 years.
- To add that applicants who are on any barred list shall be refused a licence.
- Where a conviction or caution relates to dishonesty, the period an applicant is expected to have remained free of conviction or caution be increased to 7 years.
- To add that where an applicant has any conviction connected with the supply of drugs, that a licence shall not normally be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has any conviction connected with the possession of drugs, the period of time after a licence may be granted be extended to 5 years.
- Include a new section within Appendix D of the Policy confirming that applicants and licence holders with conviction(s) relating to discrimination shall be expected to have remained free of conviction or caution for 7 years.
- To include that an applicant with a conviction for driving a vehicle under the influence of drugs or alcohol shall not normally be granted a licence until 7 years has passed since the completion of sentence or driving ban imposed.
- To include that an applicant with a conviction for using a hand-held mobile telephone or a hand-held device whilst driving shall not normally be granted a licence until 5 years has passed since the completion of sentence or driving ban imposed.

(Taxi & PH Policy Appendix D)

Recommendation 9 - Comments	Accepted into Policy?	Reasons why or why not?
These all seem standard	N/A	Comment noted

Recommendation 10

- Remove Para 2.4 in relation to applications for Dual Driver Licences from outside the area. This measure was introduced to deter individuals from applying for a driver licence with RDC when they had no intention of operating within the district (a hackney carriage for example may undertake pre-booked work anywhere within the country). This issue is not currently prevalent within Ryedale, and although an intended use Policy is considered good practice in respect of hackney carriage vehicles, a similar policy in respect of drivers could be open to challenge.
- Amend Para 3.4 to state 'MOT test certificates will be accepted from any approved testing centre. Vehicle licence compliance checks may only be carried out at the LA's appointed testing station(s)'.

Recommendation 10 - Comments	Accepted into Policy?	Reasons why or why not?
We feel that the LA test should incorporate an MOT to provide value for money and also to save the operator money as this would mean no additional time on test except the emissions test so if a further £10 was added to cover the cost of the MOT which costs garages £1.60	No	At present the Policy permits vehicles to be MOT tested at the vehicle proprietor's preferred MOT testing station. There is no immediate proposal to revise the testing procedure at this time.

Any other comments

Any other comments	Accepted into Policy?	Reasons why or why not?
Paragraph 23 : "Clothing that is free from holes & rips" has been listed under the heading NOT acceptable. This seems to imply that such damaged clothing is actually tolerated.	Yes	Amended to confirm that clothing with holes or rips is not acceptable.
We feel that he local authority could offer grants or some kind or a licensing discount on hybrids and electric vehicles to encourage the use of these vehicles and help to ensure a more carbon neutral licensing area, other districts offer discounted licensing or money towards the purchase as a grant for these vehicles.	N/A	Comment – Although keen to support the Council's Climate Change agenda, it is acknowledged that the Covid-19 pandemic has had significant financial impact on both the public and private sectors. Measures to encourage the use of low emission vehicles will therefore be considered in a future review.

<p>Ref item 1.3 Why is no reference is made in the draft policy to the Dept of Transport Statutory Guidance titled “Access for wheelchair users to taxis & Private Hire Vehicles”. We believe that the guidance should not be overlooked as the draft appears to do.</p>	<p>Yes</p>	<p>Agreed and now included within the revised Policy at Section 1.3</p>
<p>Ref item 1.3 On what basis is Ryedale BC ignoring section 163 of the Equality Act requiring all taxis to be accessible? While we accept that item 163 is “prospective or uncommenced” by the Government clearly many other local authorities have adopted it eg all taxis are accessible in London, Bradford, Sheffield, Cheshire West & Chester to name but a few. Has Ryedale DC done an Equality Impact Assessment to justify having only 4.4 % or only 2 of its taxis being accessible? If one has been done, may we have a copy please?</p>	<p>No</p>	<p>We are committed to improving the provision of hackney carriage and private hire services for all passengers. In support of this it is considered that a mixed fleet of vehicles provides the best chance of ensuring a vehicle is available which meets a passenger’s particular needs. Although it is acknowledged there is a relatively low number of wheelchair accessible vehicles currently licensed, there availability has not previously been raised as an issue by passengers. Officers would like the opportunity to explore potential options to increase both the number and availability of these vehicles.</p>
<p>Item 1.5 of the draft policy states that “the principal aim of licensing is to protect the public whilst ensuring that they have reasonable access to high quality hackney carriage and private hire services”. With only 2 accessible taxis being licenced by Ryedale DC out of a total of 45 our forum members do not believe that wheelchair users have reasonable access to accessible taxis, on a similar basis to able bodied people. A regular problem is accessible taxis being committed to the school run leaving members unable to obtain carriage at these times. If the driver is an owner operator the accessible taxi is often then unavailable during the evenings.</p>	<p>N/A</p>	<p>Although it is acknowledged there is a relatively low number of wheelchair accessible vehicles currently licensed, there availability has not previously been raised as an issue. Officers would like the opportunity to explore potential options to increase both the number and availability of these vehicles.</p>
<p>Item 1.14 states that the draft policy has been developed after full consultation with other stakeholder groups. Please let us know which disabled people’s organisations has Ryedale DC consulted with.</p>	<p>N/A</p>	<p>A number of stakeholder groups from different sectors were approached directly to seek their views on the proposed Policy as part of the consultation process. The Yorkshire Coast & Ryedale Disability Forum were considered the most appropriate stakeholder to represent the views of disabled persons within the district. No other disabled people’s organisations have been directly consulted.</p>

<p>Part 2 – Drivers. It is disappointing that knowledge of the duties of drivers under the Equality Act is not specifically mentioned. May we ask why?</p>	<p>No</p>	<p>All drivers are required to make themselves fully aware of their responsibilities and duties under the Equality Act 2010. This forms a condition of their licence and is included at Section 51, Appendix B of the Policy. Section 49 of Appendix B also outlines a driver’s duty to carry an assistance dog.</p>
<p>Vehicles Appendix E – as Ryedale DC does not have or maintain a Designated list of accessible vehicles for the public to inspect, how can a disabled person check that both the vehicle and the driver fulfil the requirements of legislation?</p>	<p>N/A</p>	<p>The Licensing Authority does not currently maintain a designated list of wheelchair accessible vehicles under Section 167 of the Equality Act 2010. Although the Government encourages the maintaining of a list, it should be noted that there are no recorded instances of Ryedale DC drivers failing to meet their duties under Section 165, namely refusing to carry a wheelchair user, failing to provide assistance or overcharging wheelchair users.</p> <p>Although drivers appear to be fulfilling their duties in this regard it is acknowledged that these responsibilities should be formalised. As such it is our intention to publish a list under Section 167 within the next 12 months.</p>
<p>Appendix J – General Policy refers to the licensed trade of taxis providing a valuable service particularly at night when other forms of public transport are not available. Disabled people also want to be able to socialise at night along with able bodied people, but Ryedale DC do not require drivers and operators to have accessible taxis available. If all taxis were accessible this would not be a problem.</p>	<p>N/A</p>	<p>Although it is acknowledged there is a relatively low number of wheelchair accessible vehicles currently licensed, there availability has not previously been raised as an issue. Officers would like the opportunity to explore potential options to increase both the number and availability of these vehicles.</p>
<p>We ask that Ryedale DC reconsider its draft policy to give more recognition of the needs of wheelchair users. Quite simply we suggest that Ryedale DC aim to raise the proportion of its accessible taxi fleet to a minimum of 33 % i.e., 15 vehicles plus its 5 PHV. The objections from drivers and operators of Hackney Carriages will be the same across the country but we believe that Ryedale DC officers and councillors must consider if they are compliant with section 149 of the Equality Act by not requiring more Hackney Carriages to be accessible by wheelchair users.</p>	<p>N/A</p>	<p>As highlighted above Officers would like the opportunity to explore potential options to increase both the number and availability of these vehicles rather than set an arbiter minimum at this stage.</p>

