



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	LICENSING COMMITTEE
DATE:	26 OCTOBER 2021
REPORT OF THE:	HEAD OF PLANNING AND REGULATORY SERVICES GARY HOUSDEN
TITLE OF REPORT:	REVIEW OF TAXI AND PRIVATE HIRE POLICY
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To advise Members of the outcome of the consultation and to seek approval of the revised draft of the Council's Taxi and Private Hire Policy ('Policy').

2.0 RECOMMENDATION(S)

- 2.1 It is recommended that:

- (i) The revised Taxi and Private Hire Policy (as amended and included at Annex A) be approved for adoption.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 It is a requirement that Councils regularly review and update policies to reflect changes in legislation, local circumstances and relevant safeguarding issues.

4.0 SIGNIFICANT RISKS

- 4.1 A failure to review and update the Policy may compromise the safety and effectiveness of taxi and private hire services.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Given the extensive role taxi and private hire services play in local transport provision, this report supports all four of the Council's Corporate Priorities as outlined in the Council Plan 2020 – 2024.
- 5.2 A 12 week consultation concluded on 24 July 2021 which allowed interested parties to feedback on the proposals.

5.3 The following groups were consulted on the proposals:

- Taxi and Private Hire Drivers
- Operators of Taxis and Private Hire Vehicles
- Residents of Ryedale via the Council's website
- North Yorkshire Police
- Neighbouring local authorities
- Other interested/affected stakeholders such as Whitby, Scarborough and Ryedale Disability Action Group and the local multi-agency safeguarding team.

REPORT

6.0 REPORT DETAILS

6.1 In accordance with the Policing and Crime Act 2017, the Department for Transport published new standards for taxi and private hire vehicles in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. Councils must have regard to these new Standards and it is expected that they will be adopted unless there is compelling local reason not to.

6.2 The publication of the Standards coincided with the review of the Council's Taxi and Private Hire Policy. The Council's current policy, implemented in 2017, compared well to the new Standards such that only a few changes were necessary to align with the expectations of Government.

6.3 Consultation commenced on 1 May 2021 and concluded on 24 July 2021. Consultees were contacted and encouraged to view the draft Policy and make any comments by visiting the Council's website which resulted in 4 responses being received. The consultees who responded comprised of licensed drivers and operators together with the Yorkshire Coast & Ryedale Disability Forum. Consultees' comments have been carefully considered and responses provided, these are attached at Annex B.

6.4 Given the limited responses received it is difficult to establish whether they are truly representative of the groups consulted. However, all consultees have had the opportunity to comment and if there was strong opposition to these proposals it is expected that the consultation would have garnered a greater number of responses.

6.5 Members will note that a number of concerns have been raised by the Yorkshire Coast & Ryedale Disability Forum, particularly in relation to the Equality Act and the availability of licensed wheelchair accessible vehicles within Ryedale. The availability of such vehicles has not previously been raised as a concern and did not form part of the initial Policy review, however it is clearly an important subject area given the Council's aim of ensuring that the public have reasonable access to high quality hackney carriage and private hire services.

6.6 In response to these concerns the following actions are proposed:

The Equality Act 2010

6.7 Although there are no recorded instances of Ryedale DC Drivers failing to meet their duties under Section 165 of the Equality Act, namely refusing to carry a wheelchair user, failing to provide assistance or overcharging wheelchair users it is acknowledged

that the Licensing Committee may wish to consider formalising these responsibilities.

- 6.8 In support of this Officers propose that within the next 6 months a report will be prepared for Members to consider the implementation of Section 167 of the Equality Act 2010 which allows Licensing Authorities to maintain a list of 'designated' wheelchair accessible taxis and private hire vehicles. Where a vehicle is on this list, the driver of that vehicle will commit an offence if they refuse to carry a wheelchair user, fail to provide reasonable assistance to that individual or charges a higher fare than would apply to a non-wheelchair user.
- 6.9 Drivers of such vehicles may apply for an exemption on medical grounds and before adopting S.167, the Licensing Authority must have in place a policy governing the granting of such exemptions. Members should note that the adoption of S.167 would not create any requirement to provide wheelchair accessible vehicles but would assist in ensuring that wheelchair users are able to use those vehicles which have been designated.

Availability of wheelchair accessible vehicles

- 6.10 The Council is committed to improving the provision of hackney carriage and private hire services for all passengers. In fulfilling this commitment it is important that all passengers are considered, although some local authority areas have moved to a 100% wheelchair accessible fleet, Members should note that these vehicles may present ambulatory accessible issues for some passengers due to their design. For example larger minibus sized vehicles are commonly adapted to carry a wheelchair, however they can be unsuitable for passengers who do not require a wheelchair but who do have other mobility and balance difficulties. This may be due to the step gradient/height when entering and exiting the vehicle, or the restricted space to safely move around between seating rows once on board. As a consequence Officers consider that a mixed fleet of vehicles helps to ensure a vehicle is available which meets a passenger's particular needs.
- 6.11 Although only 5 of the 85 hackney carriage and private hire vehicles currently licensed in Ryedale are wheelchair accessible, a lack of availability of these vehicles has not previously been brought to our attention by passengers. In response to these concerns Officers would like the opportunity to explore potential options to increase both the number and availability of these vehicles in relation to demand rather than set an arbitrary number of vehicles at this stage.

Policy amendments

- 6.12 Members will note that the consultation has resulted in minor amendments to the Policy, these include the licensed driver dress code and the inclusion of the Department for Transport's Access for wheelchair users to taxis and private hire vehicles at Para 1.3.

Options

- 6.13 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards, and are expected to adopt them unless there are compelling local reasons not to. While there is clear concern for the trade under the current circumstances of the Covid-19 pandemic, the paramount consideration in taxi and private hire licensing is passenger safety and on this basis it

is not considered appropriate to delay the implementation of the new standards.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) **Financial**

The additional costs involved in drafting the revised Policy have been met from existing budgets. There may be minor future cost implications to the Council from new policy requirements, however any additional costs incurred or savings made will be reflected in future adjustments to fee levels. The Council is legally obliged to ensure licence fee levels are set on a cost recovery basis.

b) **Legal**

There is no statutory requirement to have a taxi and private hire licensing policy, but having such a policy is considered to be good practice, and assists with consistent decision making.

The Council has the power under the Town and Police Clauses Act 1847, Transport Act 1985, and the Local Government (Miscellaneous Provisions) Act 1976, to implement a licensing policy to specify the requirements that vehicles and drivers must meet in order to be licenced, and attach such conditions to licences as are considered to be necessary.

In July 2020 the DFT published its Statutory Taxi and Private Hire Vehicles Standards, pursuant to the power to issue guidance under s177 Crime and Police Act 2017. This sets out a framework of policy for the protection of children and vulnerable adults to which licensing authorities must have regard under s177 (4).

c) **Climate Change**

Measures to encourage the use of low emission vehicles are to be considered separately with a view to forming part of future Policy reviews.

Equalities

d) In addition to the completed Equalities Impact Assessment, comments were received during the consultation period regarding the implementation of Section 167 of the Equality Act 2010 and the availability of wheelchair accessible vehicles. In line with the actions proposed at paras 6.8 and 6.11 of the report, it is considered that the introduction of a list of wheelchair accessible vehicles will allow the Council to enhance the visibility of and access to these vehicles across the District.

Others

e) Other implications (Staffing, Planning, Health & Safety, Environmental, Crime & Disorder, Data Privacy) have been considered and do not apply.

8.0 NEXT STEPS

8.1 If the revised Policy is approved by the Licensing Committee, the Policy will be submitted to Council for adoption and implementation.

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Background Papers:

Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847
Statutory Taxi & Private Hire Vehicle Standards
Access for wheelchair users to taxis and private hire vehicles

Background Papers are available for inspection at:

<https://www.legislation.gov.uk/ukpga/1976/57>

<https://www.legislation.gov.uk/ukpga/Vict/10-11/89>

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