

Licensing Committee – 11th February 2014

5. Hackney Carriage and Private Hire Policy

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Purpose of the Report

To inform the Licensing Committee of the results of the consultation on the Taxi Licensing Policy. The appendices to this report have been sent out under separate cover.

Recommendations

1. The Licensing Manager to review the draft policy in light of the consultation results in relation to wheelchair accessible vehicles, age of vehicles on first licensing, vehicle emission standards and additional testing requirements;
2. The Licensing Manager to draft further options for consideration that will achieve an increase in the number of wheelchair accessible vehicles and promote increased public safety;
3. The Licensing Manager to bring back these options to the Licensing Committee in April 2014.

Background

South Somerset District Council (SSDC) acts as a Licensing Authority for the hackney carriage and private hire licensing regimes. It considers and grants applications for drivers, vehicles and operators, and enforces the legislation under these regimes. It has carried out these statutory functions for many years with no one single policy document available to the public that brings together all of the relevant policies and procedures that might exist, or informs all parties how it sets out to administer these regimes.

It is seen as imperative that SSDC implements a Taxi Policy to provide such a document that will give all parties a clear expectation of what we expect from those that we licence and also what they and the public can expect from us, as a Licensing Authority. In putting together this draft policy, we have reviewed how we provide the service and considered how the service could be improved and standards raised. Therefore, the policy not only brings together current practice, but also recommends certain changes to how this regime is regulated. We will highlight these key changes throughout the process and ensure that ample opportunity is given by us to enable all stakeholders to provide feedback on them.

This document will be referred to as the South Somerset Taxi Licensing Policy & Guidance. This policy is a significant and important document as it will guide the Authority in its decision making and administrative processes. It will raise standards and bring consistency, all applications will still be considered individually on their own merits; but this will be done in accord with the policy. The policy will guide decision makers, but

they may depart from the policy; however where they do so they must give their reasons for doing so.

It will formalise many aspects of current practice and will also implement changes aimed at generally raising standards. It should assist the Licensing Team in continuing to deliver a comprehensive and consistent service of a high standard.

Standards will be raised and the means used to do this may generally raise costs to business and may make entering this employment somewhat more difficult, but it is hoped that these costs will be offset by the improvements sought – which should not only better protect the public but also make the trade more sustainable for the well run businesses.

The following paragraphs are taken from the policy itself, and better encapsulate the focus for the policy. These comments are based upon the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance from the Department for Transport:-

We believe that taxis are an integral part of the public transportation system and a part of the infrastructure of our society. There are few people who have not used a taxi service for some purpose at some time, whether it be for business, domestic or social purposes.

Society takes the provision of such a service, whether private hire (PH) or hackney carriage (commonly referred to as taxis), largely for granted and expects that the journey will be without incident or concern. We believe that this is exactly as it should be and that taxi passengers simply want a reliable, efficient and effective service delivered in a safe and secure manner.

However, while we recognise that there are many hardworking licence holders, within the industry, who are rightly proud of the service they provide, any service to the public is a potential target for the less scrupulous in society. This may include those who might use their position to exploit the travelling public, for example by demanding more than the legal fare or to abuse them or their property (e.g. when carrying vulnerable individuals such as children or unaccompanied females).

In view of these concerns, we believe that the service of providing a driver and vehicle to convey persons from one place to another needs to be appropriately regulated to prevent the less than honest or able persons from undertaking such work, or, more appropriately to allow only those individuals and vehicles that are safe and suitable to undertake such work.

However, we also recognise that while licensing of the taxi and PH trades seeks to protect the public from the unscrupulous, too restrictive an approach can work against the public interest. This can potentially create barriers of entry to the trade, restricting the supply of taxi services, and subsequently, having unintended safety implications (e.g. resulting in insufficient taxis to ensure the vulnerable get home safely). We therefore want to ensure that each of our licensing requirements is suitably justified and proportionate to the risks we seek to address and that the costs incurred are commensurate to the benefits.

In summary, we want to enable good business for all concerned by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensures the safety and protection of both the public and other road users and provides for a suitable, good quality and efficient public transportation service for all. This

document sets out how we intend to do this within the existing legislative framework and other constraints.

Consultation

The Consultation was carried out according to the plan in the report to Licensing Committee of the 8th October 2013. The consultation questionnaire is attached as Appendix A to this report. The online responses to the consultation, 47 in total are included as Appendix B. A response from Yeovil Town Council is attached as Appendix C. The feedback from the meeting with the Disability Group is included as Appendix D and a further response received via e-mail albeit after the close of the consultation is attached as Appendix E.

It is interesting to note that the majority of the responses to the policy have been positive. In fact the only areas where there has not been broad agreement relate to the requirements for wheelchair accessible vehicles, the requirement for all vehicles to be new at first licensing, emission standards and additional vehicle safety testing.

Whilst the Council could still impose the proposed policy as it stands. It is thought that a better approach would be to investigate the areas where concern has been raised. A further report could then be brought before Licensing Committee outlining options in order to address these areas of concern, whilst still promoting increased accessibility to public transport for disabled people and maintaining high standards of vehicle safety and therefore public protection.

The consultation also identifies that the trade clearly perceive that there is inadequate enforcement in relation to taxi matters.

Financial Implications

None at this stage. There is the possibility of legal challenge to the policy should the consultation results be ignored.

Implications for Corporate Priorities

The new policy will positively impact on Focus 1 – Jobs, the standards for taxis will be raised resulting in more employment opportunities for all within the trade.

The proposed policy will also have a positive impact on Focus 2 – The Environment, as the emission standards for taxis will be stricter, resulting in less pollution to the environment. Focus 3 – Health & Wellbeing will also be positively affected as officers will be able to undertake more targeted inspection of vehicles to improve public safety.

Other Implications

None.

Background Papers: *Equality Impact Assessment – Hackney Carriage & Private Hire Policy*
Department for Transport – Taxi & Private Hire statistics 2013
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/226355/taxi-private-hire-statistics-2013.pdf
