

South Somerset Taxi Licensing Policy and Guidance

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1. Purpose of the Report

1.1 To seek approval for the new South Somerset Taxi Licensing Policy and Guidance.

2. Recommendations

2.1 To recommend that Full Council approve the following:

1. The introduction and implementation of the South Somerset Taxi Licensing Policy and Guidance with effect from 1st April 2015, subject to recommendation 2 as set out below.
2. That all those vehicles currently licensed as a Hackney carriage on the 1st April 2015 that do not comply with the new policy requirements, be permitted to continue to be licensed as a Hackney carriage until 31st March 2018.
3. That all new vehicle applications be restricted to purpose built wheelchair accessible vehicles (WAV's) until 50% of the total hackney carriage fleet is wheelchair accessible. Once this target is reached, then a review of this element of the policy is conducted to check whether the policy has achieved the aim of ensuring better access to taxis for disabled passengers.
4. That Officers report back to Licensing Committee 12 months after the introduction of the South Somerset Taxi Licensing Policy and Guidance to update Members as to its progress

3. Background

- 3.1 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 in conjunction with partners at a number of Town Councils 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.
- 3.2 The new policy will 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 the Licensing Authority. In putting together this 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. These key changes have been highlighted throughout the process and ensure that ample opportunity has been given to enable all stakeholders to provide feedback on them.
- 3.3 The new 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. Whilst all applications will still be considered individually on their own merits, this can now be done in accordance with a single policy. The policy will guide decision makers, but does allow for departure from the policy; however where they do so they must give their reasons for doing so.

- 3.4 It will formalise many aspects of current practice and will also implement changes aimed at generally raising standards. It will assist the Licensing Team in continuing to deliver a comprehensive and consistent service of a high standard into the future.
- 3.5 It is proposed to raise standards by the use of the new policy, which may generally raise costs to business and could make entering this employment somewhat more difficult. However, it is anticipated 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 businesses that are already well run.
- 3.6 The following key paragraphs are taken from the policy itself, and summarise the guiding principles and strategic focus for the policy. They are developed from the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance from the Department for Transport:-
- 3.7 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 is for business, domestic or social purposes.
- 3.8 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.
- 3.9 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).
- 3.10 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.
- 3.11 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.
- 3.12 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.

4. Consultation

- 4.1 A 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.
- 4.2 It is interesting to note that the majority of the responses to the policy have been positive. 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.
- 4.3 The Licensing Committee decided that these areas of concern should be investigated further and a subsequent report outlining options to address these concerns, whilst still promoting increased accessibility to public transport for disabled people and maintaining high standards of vehicle safety was presented to Licensing Committee on 08/04/14. Licensing Committee made a further alteration to the policy in relation to the age of vehicles on first licensing and also to the number of vehicles that were required to be fully wheelchair accessible. These changes have all been incorporated into the policy, which has been endorsed by the Licensing Committee and is now presented for approval by Full Council.

5. Financial Implications

- 5.1 It is envisaged that the cost of this proposal will be met through the existing licensing budget. The costs will be reviewed during 2014/15 as part of a wider review into all licensing fees and charges.

6. Legal Implications

- 6.1 There is a possible risk of a legal challenge should the policy be introduced, however given the consultation that has taken place it is thought that this challenge would be unlikely to succeed.

7. Corporate Priority Implications

- 7.1 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.
- 7.2 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.
- 7.3 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.

8. Carbon Emissions and Climate Change Implications

- 8.1 The provision of newer vehicles and the removal of the older more polluting vehicles from the fleet are likely to result in lower emissions from public transport.

9. Equality and Diversity Implications

- 9.1 The Council has a duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between protected groups (such as disabled people or ethnic minority groups) when considering proposed new or changing policies, services or functions. An Equalities Impact Assessment has been prepared in relation to the Taxi Licensing Policy and is attached at Appendix 1.

10. Background Papers

Licensing Committee Agendas & Minutes 08/10/13, 11/02/14 & 08/04/14
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