

<b>COMMITTEE</b>	<b>GENERAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>11 APRIL 2019</b>
<b>TITLE:</b>	<b>SUBMISSION OF TERMS OF REFERENCE TO CONSIDER THE CONTENTS OF THE DRAFT COMBINED TAXI LICENSING POLICY</b>
<b>PURPOSE:</b>	<b>ESTABLISH A TASK AND FINISH GROUP OF COMMITTEE MEMBERS TO CONSIDER THE CONTENTS OF THE DRAFT COMBINED TAXI LICENSING POLICY</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>

## **1.0 BACKGROUND INFORMATION**

- 1.1 The current taxi licensing policies in relation to drivers, vehicles and operators were approved by the General Licensing Committee on 22 October 2010 and came into force on 1 December 2010.
- 1.2 Since 2010, minor changes have been made to the combined Hackney Carriage/Private Hire Driving Licensing Policy in 2014, along with a review of the 'Suitability Criteria for Drivers and Operators' policy.
- 1.3 On 11 September 2017, the General Licensing Committee resolved to approve the general direction of main proposals to review current policies in relation to taxi licensing and to create a new combined taxi Licensing policy; which would be subject to public consultation prior to its final approval by this Committee. It was accepted that it was necessary to update and review the Taxi Licensing policies due to the increase in the number of applications to licence vehicles that did not comply with the policy and as a result of the Deregulation Act 2015.
- 1.4 You may remember that a proposal had been received to create a combined 'Gwynedd Council Taxi Policy', rather than having three separate policy documents as currently exist. The combined policy would also include a policy on 'Suitability Criteria for Drivers and Operators'; guidelines on deciding whether a person is 'fit and proper' to be a driver or operator. The Combined policy will also include licensing conditions and vehicle standards.
- 1.5 At a meeting of this Committee on 11 December 2017, the recommendation to implement the requirements of section 165, 166 and 167 of the Equality Act 2010 was approved in relation to the provision of taxi vehicles that are wheelchair accessible. It was agreed that a policy would be provided, as well as criteria for exemptions; and to produce procedures to deal with drivers who are not able to comply with the duties imposed by the Act for medical or physical reasons. It was agreed that a policy and procedures, in relation to implementing the provision of wheelchair accessible vehicles, would be included in the new combined taxi Licensing policy.
- 1.6 One of the matters that came to the fore during the early phase of research for reviewing the policies, was the existence of by-laws that had not been highlighted in the 2010 review of taxi policies but which were referred to in 2003. The purpose of the by-laws is to ensure conditions for hackney vehicle driver licences. The Legal Department confirmed that the by-laws still existed; thus, in accordance with procedure and accuracy, the by-laws must be included in the new combined Taxi policy.

1.7 In accordance with the discussion held at the previous meeting of this Committee in December 2018; it was agreed to submit terms of reference to the Committee in order to set a direction for a discussion and decision on the new combined taxi Licensing policy.

1.8 In 2016, the Licensing Unit's processes were subject to a Ffordd Gwynedd review - and the proposed policy and relevant conditions will adhere to the principles of Ffordd Gwynedd and will deliver on the action points created following the exercise.

## **2.0 SCOPE OF THE TERMS OF REFERENCE**

2.1 The main changes of the draft combined policy have already been submitted to this Committee for discussion in September 2017 - as follows -

**Proposal 1:** The 'Grandfather Rights' status for Arfon hackney carriage proprietors will be removed from the policy and all proprietors will be subject to the same conditions and vehicle requirements.

The requirements for all vehicles in all zones will be reconciled to create a transparent, equal and relevant policy for all taxi vehicle owners across the county.

**Proposal 2:** In all zones, an application to license a vehicle for the first time as a Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 6 years old on the date when the completed application is received by the Licensing Authority.

**Proposal 3:** In all zones, an application to renew the licence of Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 12 years old on the date when the current licence expires.

**Proposal 4:** Gwynedd Council will permit the renewal of a licence of a Hackney Carriage or Private Hire vehicle beyond the upper age limit of 12 years if it can be shown that the vehicle is in 'exceptional condition'. The proprietor of the vehicle will be expected to provide regular evidence of the suitability and safety of the vehicle.

**Vehicles with wheelchair access.** Historically, the percentage of hackney carriages that had wheelchair access was 13%, and it can be confirmed that the percentage has remained at 13%.

The Council will attempt to maintain the current ratio of 13% of vehicles with wheelchair access.

**Proposal 5:** All proprietors will be encouraged to licence as many wheelchair-accessible hackney carriages as they deem necessary. However, Gwynedd Council will impose a requirement that for every 7 licensed hackney carriages in a proprietor's fleet, at least 1 hackney carriage of that 7 must be a wheelchair accessible vehicle. Therefore, if the fleet's size was 14 hackney carriages, the requirement would be for at least two of the 14 vehicles to be wheelchair accessible.

2.2 The new combined policy will also address additional points raised by members during the discussion in September 2017.

2.3 As well as the most contentious main proposals that have already been discussed - a discussion is invited on the following matters -

#### 2.4 **Licensing Objectives**

2.5 In accordance with other Licensing policies adopted by the Council - such as the Statement of Licensing Policy and the Statement of Gambling Policy - Licensing objectives will be introduced which will be the foundation of the new combined taxi Licensing Policy . **We are eager to obtain the opinion of members in respect of the promotion of the following objectives -**

- **Public safety**
- **Prevention of crime and disorder**
- **Prevent harm and discrimination**
- **Promote a professional and reliable taxi industry**

#### 2.6 **Applications for a taxi driver licence**

2.7 **Awareness raising courses** - The Licensing Unit has already been encouraging all taxi drivers to attend an awareness raising course on matters relating to safeguarding children and vulnerable adults. Following a discussion with you as members - we intend to facilitate flexibility in the new policy to present the need for applicants for taxi licenses to undertake any training courses that are deemed appropriate. **The members' opinion on this is invited.**

2.8 **Reinforcing the 'fit and proper person' criteria** - specific requirements are presented in relation to statutory checks introduced by the Immigration Act 2016. In addition, members' opinion is invited on including the need to provide information in a particular form in the policy - for example, introducing a condition that taxi drivers must subscribe to the DBS on-line updating service.

2.9 The Institute of Licensing published a document in April 2018 (*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*) that provides guidance for officers and members on making decisions on the suitability of applicants in the hackney and private hire industry. **The members' opinion on the document is invited; and whether or not it should be adopted as an additional guide to be considered alongside the Council's 'Suitability Criteria for Drivers and Operators' Policy.**

2.10 **Fees** The principle of making a payment for an application and payment for a licence is introduced. This means that a refund can be given to an unsuccessful applicant for the relevant fee to process and issue the licence.

#### 2.11 **Applications for a vehicle licence**

2.12 **Applicant suitability for a vehicle licence** - A requirement is introduced for the owner of the vehicle, namely the person making the application for a taxi vehicle licence - to submit evidence with the application to prove that he/she is a 'fit and proper' person.

The applicant will need to submit relevant documents to prove this, including a DBS certificate. **The members' opinion on this is invited**

- 2.13 **Public Liability Insurance** - It is intended to introduce the need for a vehicle licence applicant to submit evidence of public liability insurance along with other necessary documents to prove the suitability of the vehicle. **The members' opinion on this is invited**
- 2.14 **Vehicle age** - It is not intended to restrict applications for a hackney vehicle or private hire licence to vehicles that are 3 or 6 years old as included in the current policy. There is an intention to obtain the opinion of members on abolishing a specific age requirement when making an application for a vehicle licence - but to keep the maximum age of 12 years to ensure that vehicles over 12 years old are not licensed; nor any vehicle that is unsuitable and unsafe.
- 2.15 **Vehicle tests** - it is intended to continue to operate a system where a vehicle reaching 10 years old receives an additional mechanical Test by the Council half way through the licence period; and at a test centre determined by the Council. Also, it is intended to introduce a condition to ensure that mechanical tests are undertaken by test stations/garages that have no connection with a taxi business. **The members' opinion on this is invited**
- 2.16 **Applications for an operator's licence**
- 2.17 **Immigration Act 2016 Checks** - the need to undertake identity checks on applicants is introduced in accordance with the Act. Applicants seeking an operator's licence will be expected to prove that they are a 'fit and proper' person in the same way as vehicle owners and drivers; and they will be expected to submit relevant documents in order to do so; and to submit their application in person. **The opinion of members on the documents and information that applicants seeking an operator's licence are expected to submit with an application, is invited.**

### **3.0 THE NEXT STEPS**

- 3.1 Members are asked to nominate representatives from the Committee to participate in the Task and Finish Group which will be established to consider the draft policy.
- 3.2 Members are asked to consider the above points that have been included in the terms of reference and to propose any additional matters that should be included in the Terms of Reference, for discussion and a decision by the Task and Finish Group.
- 3.3 After the Task and Finish Group has met and their observations have been considered, the draft Policy will be the subject of an equality impact assessment prior to the public consultation.
- 3.4 Any representations following the consultation will be reported back to this Committee, before a final decision is made on approving the Policy.