

## Risk Assessment – Taxi and Private Hire Licensing – Scenario 1

This assessment is to highlight the risks associated with maintaining existing arrangements and implementing taxi zones throughout North Yorkshire.

RISK						
Impact	Catastrophic (5)					
	Critical (4)					
	Significant (3)					
	Insignificant (2)					
	Negligible (1)					
		Highly unlikely (1)	Unlikely (2)	Likely (3)	Highly likely (4)	Almost certain (5)
Likelihood						

Issue	Cause of risk	Key risks	Risk impact (Impact x likelihood)	Mitigation
Council Members	Different policies are in effect throughout NY. Members would need to be trained on all provisions and must only apply the relevant aspects depending on the zone in which the applicant is based.	Increased workloads. Confusion for Members leading to inconsistent or flawed decisions.	4 x 5 = 20	
Licence fees	Different fees are in effect throughout NY and therefore applicants would be charged varying amounts for the same licences issued by the same authority.	Legal (or other) challenge by applicants who are being charged more than their colleagues based in neighbouring zones.	4 x 5 = 20	The cheapest fee could be applied to all licences until such time as the fees can be reviewed on a cost-recovery basis for NY.
Confining taxis to existing district boundaries	Drivers dropping off passengers in a zone other than their own will be required to return to their own zone before picking up another passenger.	Criticism for acting contrary to Best Practice Guidance (DfT). Diminished supply of taxis and customer choice. Reduced incentive for drivers and proprietors to deliver a high-quality service.	3 x 5 = 15	Taxis are not currently permitted to ply for hire outside their existing controlled district and therefore the risk relates to perception more than the impact brought about by any actual change.

		<p>Confusion and frustration for customers unable to flag down NY taxis dropping off from another zone.</p> <p>'Dead mileage' imposes unnecessary financial burdens on the trade and conflicts with council green initiatives.</p>		
Vehicle proprietor criteria	<p>Criminal record checks are required in some areas (in accordance with Statutory Standards) but not in others.</p>	<p>Legal (or other) challenge following a refusal to grant a licence.</p> <p>Applicants seeking to obtain licences in less-restrictive areas, leading to disproportionate workloads.</p>	4 x 5 = 20	<p>The least restrictive policy provision could be applied until a unified policy can be implemented (although this would require a lowering of standards in some areas, contrary to the Statutory Standards to which all authorities must have regard).</p>
Vehicle specification	<p>Different policies are in effect throughout NY.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• Vehicles can remain licensed in Craven and Selby until they are 12 years old but only until they are 8 years old in Hambleton and Scarborough.</li> <li>• All vehicles operating in Craven must have CCTV but this is not a requirement anywhere else in the county.</li> </ul>	<p>Legal (or other) challenge following a refusal to grant a licence.</p> <p>Applicants seeking to obtain licences in less-restrictive areas, leading to disproportionate workloads.</p>	4 x 5 = 20	<p>The least restrictive policy provision could be applied until a unified policy can be implemented (although this would require a lowering of standards in some areas).</p>
Hackney carriage quantity restrictions.	<p>The number of non-wheelchair accessible vehicles that will be licensed in Harrogate, Richmondshire and Scarborough is capped.</p> <p>Proprietors afforded 'grandfather rights' on existing licences are often able to charge a premium to individuals seeking to enter the trade.</p>	<p>Quantity restrictions are contrary to Best Practice Guidance (DfT) in the absence of any obvious public benefit.</p> <p>Diminished supply of taxis and customer choice. Reduced incentive to deliver a high-quality service.</p> <p>People who want to enter the taxi market are prevented from</p>	3 x 5 = 15	<p>Quantity restrictions are effectively in place in Harrogate, Richmondshire and Scarborough at present and therefore the risk relates to perception more than the impact brought about by any actual change. Retaining the limits, even on a temporary basis, may be perceived as something that the new authority supports (not just Harrogate, Richmondshire and Scarborough).</p>

		doing so (indicated by the informal value attached to licences held by applicants with 'grandfather rights').		
Hackney carriage fares	Different fares are in effect throughout NY. For example, a 10-mile night-time fare in Harrogate costs £36. The same fare in Craven costs just £20.50.	<p>Complaints from drivers aggrieved by charging lower fares than their colleagues in neighbouring zones.</p> <p>Complaints from customers confused by varied fares in NY vehicles.</p> <p>Additional resources required to consider any subsequent fare increases (i.e. up to 7 separate consultations, cabinet meetings, newspaper adverts etc).</p>	$2 \times 4 = 8$	Separate fares are already in place for each district and therefore the risk relates to perception more than the impact brought about by any actual change. The new authority could arguably be justified in retaining the current position on fares.
Private hire vehicles and operators	Private hire vehicles and operators cannot be subject to zoning and would therefore be permitted to operate anywhere in the county, regardless of their predecessor authority.	<p>Applicants seeking to obtain licences in cheaper or less-restrictive areas, leading to disproportionate workloads.</p> <p>Confusion and frustration for the trade, customers and council staff due to the inconsistency with the zoning approach to hackney carriages.</p>	$3 \times 5 = 15$	
Driver criteria	Different applicant criteria are in effect throughout NY. E.g. DVLA licence, frequency of medical and criminal record checks, driver training (practical driving, safeguarding, disability awareness, wheelchair assistance).	<p>Legal (or other) challenge following a refusal to grant a licence.</p> <p>Applicants seeking to obtain licences in less-restrictive areas, leading to disproportionate workloads.</p>	$4 \times 5 = 20$	The least restrictive policy provision could be applied until a unified policy can be implemented (although this would require a lowering of standards in some areas, contrary to the Statutory Standards to which all authorities must have regard).



## Risk Assessment – Taxi and Private Hire Licensing – Scenario 2

This assessment is to highlight the risks associated with abolishing taxi zones in North Yorkshire and implementing a unified policy prior to 1<sup>st</sup> April 2023.

RISK						
Impact	Catastrophic (5)					
	Critical (4)					
	Significant (3)					
	Insignificant (2)					
	Negligible (1)					
		Highly unlikely (1)	Unlikely (2)	Likely (3)	Highly likely (4)	Almost certain (5)
Likelihood						

Issue	Cause of risk	Key risks	Risk impact (Impact x likelihood)	Mitigation
Unified policy	A unified hackney carriage and private hire licensing policy would lead to changes in all areas of NY (some more than others).	Objections to new policy provisions	2 x 5 = 10	The draft policy incorporates easily justifiable provisions of the Statutory Standards and Best Practice Guidance. As is the case with any new policy, objections and subsequent amendments would be considered prior to implementation.
Abolishing hackney carriage zones	Without intervention, seven hackney carriage zones will effectively be created automatically by the LGR process. In order to apply a unified policy, the zones would need to be abolished.	Additional workloads	2 x 5 = 10	NYC can pass a resolution under para 25 of Sch 14 to the Local Government Act 1972 (which no longer requires Secretary of State approval) to abolish the zones and apply the hackney carriage licensing regime consistently throughout NY, in accordance with Best Practice Guidance.
Hackney carriage quantity restrictions.	The number of non-wheelchair accessible vehicles that will be licensed in Harrogate, Richmondshire and Scarborough is capped.	Legal (or other) challenge from existing proprietors in Harrogate, Richmondshire and Scarborough feeling aggrieved by losing their protected status and plate value.	4 x 5 = 20	The DfT encourages licensing authorities not to impose quantity restrictions on hackney carriages.  There have been no assurances given about the length of time that

	<p>Proprietors afforded 'grandfather rights' on existing licences are often able to charge a premium to individuals seeking to enter the trade.</p> <p>The draft policy imposes no quantity restrictions in line with Best Practice Guidance (DfT).</p>			<p>hackney carriage numbers would be restricted and therefore there could be no legitimate expectation that it would continue indefinitely (<i>R (on the application of Nemeth) v West Berkshire District Council</i> (8 December 2000)).</p> <p>On the matter of hardship resulting from removing HC limits, any investment made by proprietors has been at their own risk. (<i>R v Council of the City and District of St Albans</i> (19 January 2000)).</p> <p>Prior to 1<sup>st</sup> April, it could not reasonably be regarded as a 'delimitation' – it would simply be NYC's policy to follow guidance by not imposing quantity restrictions.</p> <p>Although some existing proprietors may feel aggrieved, other individuals seeking to enter the trade would be entitled to do so.</p>
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