

North Yorkshire County Council

Executive

21st February 2023

North Yorkshire Hackney Carriage and Private Hire Licensing Policy 2023 and the Adoption of the Local Government (Miscellaneous Provisions) Act 1976

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of Report

1.1 Following the Executive meeting on 7 February 2023, this matter was deferred for further consideration to 21 February 2023.

1.2 The Council's Hackney carriage and private hire licensing policy is an important document that demonstrates the Council's commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The creation of North Yorkshire Council presents an opportunity to create a new policy that promotes the highest possible standards, whilst also providing a consistent approach for both the licensed trade and the public.

1.3 This report seeks:

- a) adoption of the proposed Hackney Carriage and Private Hire Licensing Policy with or without further amendments, taking into consideration the responses to the consultation and the recommendations from the Licensing Members Working Group at its meeting of 24 January and 13 February 2023;
- b) approval to remove the existing licensing hackney carriage zones to create a new single zone for the North Yorkshire Council;
- c) approval for a senior officer to make minor and inconsequential amendments to the policy (if adopted) to reflect legislative changes or correct any inaccuracies;
- d) Approval to develop and maintain an Inclusive Service Plan (ISP) within 12 months of policy adoption.

2.0 Background

2.1 Attached at Appendix A is the previous Executive report dated 7 February 2023 which originally considered this matter. At that meeting the Executive resolved that the item be deferred to the coming Executive meeting scheduled for 21 February 2023.

2.2 Members of the Licensing Working Group met for further discussion on 13 February 2023. Discussions were held regarding the maximum age that vehicles could be licensed, requirement for licence plates to be removed from certain types of vehicles and the frequency of testing regime. Following discussion Members resolved to support the Licensing Policy as drafted subject to further consultation post adoption specifically in relation to matters that were discussed as reference above. It is the intention to convene a further Working Group to consider the detail of what should go in any future consultation exercise post April 2023.

- 2.3 Members were particularly keen to see the provision of wheelchair accessible vehicles increase for any future review or consultation. Members were keen that the Inclusive Service Plan that was referred to in the previous report of being complete within 18 months should be progressed as quickly as possible. Therefore it is proposed that this review will be complete within 12 months to assess the need for wheelchair vehicles across the county, look at best practice elsewhere in the country, and to consider what changes to the Licensing Policy should be made to increase provision and what other mechanisms the Council has to increase provision of wheelchair accessible vehicles across the county. The results of the review will be considered by the General Licensing and Registration Committee.
- 2.4 The Members Licensing Working Group have made the following recommendations for changes to the Policy as follows:
- Paragraph 47 (Hackney Carriage Vehicle Specification) third bullet point and paragraph 173 (Private Hire Vehicle Specification) third bullet point:
Currently reads:
 - It is less than five years old in the case of a new application and less than 10 years old in the case of renewal application (the age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document, V5C).Be amended to:
 - It is less than 10 years old (the age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document, V5C). The Policy with regards to vehicle specification shall be applied to the majority of cases in considering licensing applications, but the Licensing Authority will consider each application on its individual merits and may, at times, allow exceptions to this Policy. Where exceptions are made in this regard vehicles shall be subject to three mechanical inspections each year.
- 2.5 The Executive also considered submissions made by Mr Lawson attached at Appendix B and the officer's response attached at Appendix C.

3.0 Equalities Implications

- 3.1 On the basis of the submissions made, a revised Equality Impact Assessment has been made which is attached at Appendix D. The EIA acknowledges that there is a risk that the new Policy could negatively impact on the provision of wheelchair accessible vehicles by the fact that some of the existing district policies which require wheelchair accessible vehicles either on first registration or renewal will not be carried through into this new Policy. However it is noted that despite these policies being in place existing wheelchair accessible provision is very low across the county and there has been no significant increase with the introduction of these policies. Continuing with these policies on a countywide basis is therefore unlikely to increase provision. The development of an Inclusive Service Plan will seek to increase provision, and will look at the unmet demand across the county, best practice from across the country and the mechanisms that the Council has to increase provision. The intention is that the Plan will be completed within a 12 month period rather than an 18 month period as previously envisaged. Members are advised to read the Equality Impact Assessment so that they are aware of their public sector equality duties and the impact of any proposed decision.

4.0 Policy Implications

- 4.1 These are identified in this report and the previous report dated 7 February 2023.

5.0 Financial Implications

- 5.1 These are identified in the previous report dated 7 February 2023.

6.0 Legal Implications

6.1 These are identified in the previous report dated 7 February 2023.

7.0 Risk Management Implications

7.1 These are identified in the previous report dated 7 February 2023.

8.0 Climate Change

8.1 These are identified in the previous report dated 7 February 2023.

9.0 Community Safety Implications

9.1 These are identified in the previous report dated 7 February 2023.

10.0 Reasons for Recommendations

10.1 Following consultation with the Members Licensing Working Group it is proposed that the Executive and full Council agree to approve the amended Policy and carryout the Inclusive Service Plan within 12 months of the Policy adoption.

11.0 Recommendations

11.1 Executive is recommended to:

- i. to pass a resolution that the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 (other than section 45) shall be adopted within the administrative area of North Yorkshire Council, with effect on the 1 April 2023, with the caveat of the decision only taking effect if the Hackney Carriage and Private Hire Licensing Policy has been adopted for the 1 April 2023;
- ii. Adopt the proposed Hackney Carriage and Private Hire Licensing Policy as shown in Appendix 1 of the report dated 7 February 2023, with the amendment identified in paragraph 2.4;
- iii. if adopted, to authorise the approval of minor and inconsequential amendments to the policy from time-to-time by a senior officer to reflect legislative changes or correct any inaccuracies;
- iv. if adopted to give approval for an Inclusive Service Plan to be implemented within 12 months of adoption.

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13 February 2023

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Background Documents:

Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847
Department for Transport Statutory Taxi & Private Hire Vehicle Standards
Taxi and private hire vehicle licensing: best practice

Appendices:

Appendix A – Report to Executive dated 7 February 2023 (with Appendices 1 to 11)
Appendix B – Submissions from Mr Lawson
Appendix C – Officer's Response to Mr Lawson's submissions
Appendix D – Revised Equality Impact Assessment