

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 15 January 2012

Subject: **Taxi and Private Hire Licensing Policy Review – Results of Public Consultation for the Private Hire vehicle conditions (including wheelchair accessible vehicles, vehicle age criteria, livery signs and markings); Hackney Carriage vehicle conditions; plying for hire policy; and executive private hire conditions.**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Licensing Committee asked officers to carry out a review of existing taxi and private hire licensing policies. This review was broken down into three distinct groups of policies. The second group of policies has now completed its public consultation.
2. Results of the consultation are attached for Members' consideration and discussion before determining whether any changes are required to the policies.

Recommendations

3. That an additional condition be included in the private hire vehicle conditions that a minimum width of 16 inches be provided for each seated passenger to ensure a reasonable level of comfort whilst travelling in a vehicle and ensure it is suitable to carry a number of passengers.
4. That a further period of vehicle profiling be carried out and the results of this profiling are used to inform a review of the vehicle age criteria in 2016.
5. That, except as detailed at 3 and 4 above, that there be no change to the existing private hire vehicle conditions and that the next time the conditions are reviewed will be in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

6. That there be no change to the existing hackney carriage vehicle conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
7. That there be no change to the existing plying for hire policy and the policy next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
8. That there be no change to the existing executive private hire vehicle conditions and the conditions next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

1 Purpose of this report

- 1.1 For Members to consider the results of the public consultation.
- 1.2 For Members to determine whether any change is required to existing policies.

2 Background information

- 2.1 All council policies should be subject to regular review, to ensure they remain appropriate in response to changes in legislation, best practice, council priorities or circumstances and remain fit for purpose.
- 2.2 Licensing Committee asked officers to carry out a review of all existing taxi and private hire licensing policies. This review was broken down into three distinct groups of policies as follows: -
 - Group 1 (reported to committee in October 2012): the application process, the medical exemption policy, stretched limousine conditions (driver, operator & vehicle) and private hire driver conditions.
 - Group 2 (the subject of this report): Private hire vehicle conditions (including wheelchair accessible vehicles, vehicle age criteria, livery signs and markings); Hackney carriage Vehicle conditions; plying for hire policy; and executive private hire conditions.
 - Group 3: Private hire operator conditions; private hire vehicle proprietor (including rental companies); convictions criteria.
- 2.3 The second group of policies has now completed its second round of public consultation and the results of that consultation are included in this report for Members' consideration before determining whether any change is required to the existing policies. The second stage of consultation ran from 13 July 2012 and closed on 5 October 2012.
- 2.4 Group 3 has yet to commence its second round of public consultation and will be reported to a future meeting of Licensing Committee.

3 Main issues

3.1 Private Hire Vehicle Conditions

- 3.1.1 The results of the first public consultation in 2011 are attached at appendix A. The results of the second public consultation in 2012 and officer comments in response are included in appendix B.
- 3.1.2 Officers recommend that an additional condition be included in the conditions that a minimum width of 16 inches be provided for each seated passenger to ensure a reasonable level of comfort whilst travelling in a vehicle and ensure it is suitable to carry a number of passengers.
- 3.1.3 Officers also recommend that in response to comments received concerning the vehicle age criteria, a further period of vehicle profiling is undertaken followed by a review of that area of the vehicle conditions in 2016. Officers submit that it is important that a properly informed decision is taken regarding any change to the vehicle age criteria, and this can only be done after repeating the profiling exercise that was undertaken prior to the first review. Due to the number of vehicles and inspections required, this profiling takes up to three years to complete.
- 3.1.4 Officers recommend that there be no change to the other areas of the conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

3.2 Hackney Carriage Vehicle Conditions

- 3.2.5 The results of the first public consultation in 2011 are attached at appendix A. The results of the second public consultation in 2012 and officer comments in response are included in appendix C.
- 3.2.6 Officers recommend there be no change to the existing vehicle conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

3.3 Plying for Hire Policy

- 3.3.7 The results of the first public consultation in 2011 are attached at Appendix A. The results of the second public consultation in 2012 and officer comments in response are included in appendix D.
- 3.3.8 Officers therefore recommend there be no change to the existing policy and the policy next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

3.4 Executive Private Hire Conditions

- 3.4.1 The results of the first public consultation in 2011 are attached at appendix A. The results of the second public consultation in 2012 and officer comments in response are included in appendix E.

- 3.4.2 Members will note that a response from existing executive private hire vehicle operators that asks for a reduction in the minimum value for an executive private hire vehicle. A full response to this request, including reasons for setting the current minimum value, are included in appendix E. Officers do not believe the circumstances have changed although Members are free to consider whether they wish to reduce the minimum value in response to the consultation.
- 3.4.3 Officers therefore recommend there be no change to the existing conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.4 The first consultation was carried out in 2011. Results of this first consultation were used to inform any proposals for change for each of the policies. A further consultation period ran from 18 May 2012 to 13 July 2012 on these proposals. The results are attached at the appendices as indicated earlier in this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 A full equality and cohesion screening has taken place on each of the policies and are available as background documents.

4.3 Council policies and City Priorities

- 4.3.1 Taxi and private hire licensing policies support the following elements of the Vision for Leeds: -

- Leeds' economy will be prosperous and sustainable, specifically high quality accessible, affordable and reliable public transport and making Leeds a lower carbon city;
- Leeds' communities will be successful, specifically that there are more community-led businesses that meet local needs; and
- Best City for Children, specifically helping ensure children are safe from harm.

- 4.3.2 Taxi and private hire licensing policies also support the following City Priorities: -

- Best City for Business, specifically improving journey times and the reliability of public transport and improve the environment through reduced carbon emissions; and
- Best City for Communities, specifically reduce crime levels and their impact across Leeds.

4.4 Resources and value for money

- 4.4.1 The only changes recommended in this report are minor which do not create any additional resource requirements or costs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Local Government (Miscellaneous Provisions) Act 1976 gives the council authority to determine policy and conditions for hackney carriage and private hire drivers, proprietors and operators.

4.6 Risk Management

- 4.6.1 There is always a risk of challenge by way of Judicial Review at point of approval or when applied to an individual.

5 Conclusions

- 5.1 That a full and thorough public consultation has been carried out on these policies which has been properly considered before any changes proposed.

6 Recommendations

- 6.1 That an additional condition be included in the private hire vehicle conditions that a minimum width of 16 inches be provided for each seated passenger to ensure a reasonable level of comfort whilst travelling in a vehicle and ensure it is suitable to carry a number of passengers.
- 6.2 That a further period of vehicle profiling be carried out and the results of this profiling are used to inform a review of the vehicle age criteria in 2016.
- 6.3 That, except as detailed at 6.1 and 6.2 above, that there be no change to the existing private hire vehicle conditions and that the next time the conditions are reviewed will be in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- 6.4 That there be no change to the existing hackney carriage vehicle conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- 6.5 That there be no change to the existing plying for hire policy and the policy next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- 6.6 That there be no change to the existing executive private hire vehicle conditions and the conditions next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

7 Background documents¹

- 7.1 Local Government (Miscellaneous Provisions) Act 1976
- 7.2 Equality and Cohesion Screening Assessments

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.