

COMMITTEE	GENERAL LICENSING COMMITTEE
DATE:	11 SEPTEMBER 2017
TITLE:	REVIEW OF GWYNEDD COUNCIL TAXI POLICIES - Combined Hackney Carriage/Private Hire Vehicle Driving Licensing Policy - Hackney Carriages/Private Hire Vehicles Licensing Policy - Private Hire Operators Licensing Policy
PURPOSE:	UPDATE AND OBTAIN THE COMMITTEE'S SUPPORT ON THE DIRECTION OF THE REVIEW PRIOR TO PUBLIC CONSULTATION ON A COMBINED TAXI LICENSING POLICY
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

1.0 GENERAL INFORMATION

- 1.1 The current 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 22 June 2015, the General Licensing Committee resolved that it was necessary to update and review the Taxi Licensing policies because of the increase in the number of applications to license vehicles that did not comply with the policy and as a result of the Deregulation Act 2015. The present policies can be viewed in appendix 1 - 4
- 1.4 A report was submitted to this Committee on 14 September 2015 outlining the high level direction of the proposed changes to the policy; and this Committee authorised the Head of Regulatory Department to commence a report of the licensing policies in relation to hackney and private hire operators, vehicles and drivers; and support proposals for general direction as a starting point for the review.
- 1.5 It was noted at the meeting of this Committee on 1 December 2015 that the Cabinet had received a report on the situation and agreed with the principles and general direction; and that the existing policies needed to be reconciled.
- 1.6 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 'suitable and appropriate' to be a driver or operator. The Combined policy will also include licensing conditions and vehicle standards.
- 1.7 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.

2.0 PROPOSED HIGH LEVEL CHANGES TO THE POLICIES AND CONDITIONS - DRIVER

- 2.1 It is not anticipated that any contentious changes will be made to the requirements of the existing policy or conditions for **DRIVERS** or **PRIVATE HIRE OPERATORS**. The changes emphasise the importance of checks to ensure a driver is a 'fit and suitable' person and also that new conditions ensure a driver's understanding and awareness of the importance of safeguarding children and vulnerable adults.
- 2.2 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.
- 2.3 The policy and conditions for drivers will also be updated to reflect the requirements of the Immigration Act 2016 and the Deregulation Act 2015; and will reflect the most recent good practice guidelines.

3.0 PROPOSED HIGH LEVEL CHANGES TO THE POLICIES AND CONDITIONS - VEHICLES

- 3.1 The proposal to change the **HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES's** Licensing Policy to reflect changes in legislation and changes to demands by the taxi industry in relation to vehicles was approved. At present, because of the nature of the current policies, conditions vary depending on the zone in which the application is made. For example, a hackney carriage must be under three years old on a new licence application in Arfon, but under 6 years old on a first application in Dwyfor or Meirionnydd.
- 3.2 Committee members agreed that a unified policy was needed that ensured a fair and consistent service across the County. It is proposed that a combined policy should ensure a consistent and fair service across the county to try to meet the needs of the industry and users and it will help achieve the key aims of Ffordd Gwynedd.
- 3.3 The Licensing Unit, following legal guidance, has been allowing deviation from the policy on matters such as vehicle age since September 2012, when applications were received with sufficient evidence to justify deviation from the policy. During the period 1st of April 2015 to the 31st March 2017 a total 144 'New Licences' were issued, contrary to the policy, to vehicles that did not meet the requirements in one way or another. It is, therefore, clear that the vehicle requirements stated in the current policy do not reflect the requirements of the industry and economic circumstances. The main priority that will guide any new policy clause is public safety, and the 'Grandfather Rights' of the licence holder will no longer affect the result of decisions to allow applications for vehicle licences.
- 3.4 The opportunity is taken to remind members of this committee that the high level proposals that guide the new policy are as follows -
- 3.5 **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.

- 3.6 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.
- 3.7 **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.
- 3.8 **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.
- 3.9 **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 an 'exceptional condition'. The proprietor of the vehicle will be expected to provide regular evidence of the suitability and safety of the vehicle.
- 3.10 **Vehicles with wheelchair access.** Historically, the percentage of hackney carriages that had wheelchair access was 13%. It is possible to confirm that the percentage has remained at 13%.
- 3.11 The Council will try to maintain the current ratio of 13% of vehicles with wheelchair access.
- 3.12 **Proposal 5:** All proprietors will be encouraged to license as many wheelchair-accessible hackney carriages as they deem necessary. However, Gwynedd Council will impose a requirement that for every seven hackney carriages in a fleet, of that seven at least one hackney carriage 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.
- 3.13 It is anticipated that Proposals 1 – 5 may be considered contentious changes to the current policy and conditions regarding Hackney Carriages and Private Hire Vehicles by some proprietors or users, especially in the Arfon area. However, in 2016 the service underwent a thorough 'Ffordd Gwynedd' exercise; and, in accordance with the conclusions of the exercise, it is believed that the citizens of Gwynedd, including the taxi industry and visitors to the County would receive a fairer, efficient and consistent service through the implementation of these changes.

4.1 **CONSULTATION**

- 4.2 The revised unified policy will be subject to a public consultation. The formal consultation period will last 28 days. The responses to the consultation document will be fully considered before the policy is approved by the General Licensing Committee.

CONCLUSIONS AND RECOMMENDATION

It is proposed that changes should be made to the current Licensing policies in order to provide a consistent and fair service across the county to try to meet the needs of the industry and users and to reflect the principles of Ffordd Gwynedd.

Members' opinions are sought regarding the high level changes referred to in this report and specifically on the proposal to create a combined Taxi Licensing Policy, and Proposals 1 - 5 as described. Members are also given the opportunity to decide whether any other matters need to be addressed in terms of the policy's high level direction before the draft policy embarks on a formal consultation.