

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE**

**Date: January 13th 2022**

**REPORT AUTHOR: SENIOR LICENSING OFFICER – SUE JONES**

**REPORT TITLE: TAXI LICENSING POLICY**

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**REPORT FOR: Decision**

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**1. Purpose**

- 1.1 To consider and approve for consultation an all-new Powys Taxi Licensing Policy based on Welsh Government Guidance on Taxi and Private hire Standards.

**2. Background**

- 2.1 In July members received an information report regarding the recently published Taxi and Private Hire Vehicle Licensing Guidance in Wales. [Taxi and private hire vehicles: licensing guidance \[HTML\] | GOV.WALES](#). This document follows the Welsh Government's white paper 'Improving Public Transport' report published in 2018. The aim of the recommendations contained in the document is to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety across Wales.
- 2.2 A template Statement of Policy for Welsh authorities has subsequently been prepared containing all the recommendations of the guidance document and forms the basis of an all-new Powys Taxi Licensing Policy Document (Annex A).
- 2.3 The Minister for Economy, Transport and North Wales, Ken Skates has written to all local authorities urging that they adopt the Welsh standards. This will bring about greater consistency in the way that that local authorities in Wales apply and administer the taxi licensing regime and the standards used.
- 2.4 Welsh Government's longer-term goal is for all new taxi legislation and a single licensing regime for Wales, delivered by local authorities. The new legislation will take some time to develop properly. Welsh Government are developing new legislation and will be engaging with key stakeholders to ensure this meets the needs of the sector. The aim is to produce a licensing system with a focus on,
- Improving public safety

- increasing consistency
  - improving the customer experience
- 2.5 In the short term the template policy focuses on the above objectives and introduces some improved measures so far as is possible without changes in legislation, and without unreasonable cost to licensing authorities and the taxi and PHV industry.
- 2.6 The Department for Transport also published 'Statutory Taxi and Private Hire Vehicle Standards' [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671122/statutory-taxi-and-private-hire-vehicle-standards.pdf) and they have been considered in the drafting of the Welsh template policy; the adoption of the proposed Powys Taxi Licensing Policy will support compliance with a number of the recommendations in these standards. The Dft standards apply to Wales, until such time that Welsh Government introduces new legislation.

## 2.6 What are the main changes for licence holders in Powys?

### **Drivers**

- Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months.
- Overseas criminal record check for drivers.
- Group 2 standard medical for drivers\*
- Adopting the Welsh Government's Driver Code of Conduct and dress code
- Updating the Driver Conditions in line with the Welsh Government's Recommendations

### **Vehicle**

- Requirement for vehicle proprietors to have an annual DBS check.
- Overseas criminal record check.
- Adopting the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPS)/Dash Cams in taxis and private hire vehicles (for those vehicles fitted with such systems – there is no proposal to make this mandatory as part of this policy).
- Proprietors of licensed wheelchair accessible vehicles must demonstrate to every driver of the vehicle how to assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle

### **Operators**

- Updating the Operator Conditions in line with the Welsh Government's Recommendations

- Requirement for licensed operators to have an annual DBS check.
- DBS checks for ancillary staff taking bookings.
- Improved record keeping including a documented complaint procedure.
- Sharing of complaint information with the licensing authority
- Sharing information regarding dismissal of drivers with the licensing authority

\*Powys County Council moved to Group 2 medical standard for all new drivers in 2008. There are some drivers licensed by Powys, without break since before 2008 and to which the lesser Group 1 standard applied. These drivers will now move to Group 2. For the last 12 months, in readiness for the transition, the drivers affected by this who's medical has come up for renewal have been supplied with the Group 2 forms and so far, all have been found to meet this standard. It is not possible to determine if there are any current licensed drivers in Powys who have held a licence since before 2008 that would not meet Group 2 standard. Any that arise will need to be considered on a case-by-case basis by a sub-committee who would need to determine if a departure from policy is justified in each of the circumstances.

2.7 The licensing section can ensure that the local trade in Powys are informed about the proposed changes and consultation on the new policy by way of email communications, promoting it through any communications/appointments with applicants and also the distribution of the annual Taxi Newsletter produced in house for the trade.

2.8 It is proposed that consultation will run for 6 weeks, and relevant comments or objections will be presented back to committee and that a final policy be published for implementation on 1<sup>st</sup> April 2022

### **Advice**

3.1 Members are advised to approve the draft Taxi Licensing Policy ( see Annex A) for it to go out to consultation to the public, taxi trade and stakeholders for a period of 6 weeks. Any relevant comments or objections to the content will come back to this committee after the consultation period for consideration. If there are no relevant comments for the committee to consider then the policy will be published for implementation on 1<sup>st</sup> April 2022.

### **4. Resource Implications**

4.1 The Senior Licensing Officer sits on the working group that has developed these standards and has already been involved in many meetings and in the drafting of the Powys version of the template to bring before committee today.

- 4.2 There will be significant amount of time and work to update all the application forms, documents, and webpages in readiness for 1<sup>st</sup> April implementation.
- 4.3 There will also on going work in administration to carrying out the 6 monthly DBS updates on licensed drivers, although an automated solution for this is being sourced.
- 4.4 For officers in the licensing team to advise/educate/enforce the revised conditions with the taxi trade and to deal with adverse DBS updates or licence holders who have failed to subscribe to the update service.
- 4.5 Any costs attributable to this work would be accounted for in future fee calculations as the service works on a cost revery basis

## **5. Legal implications**

- 5.1 The Principal Solicitor (Shire) supports the recommendation in this report which will ensure the policy is up to date and in line with Welsh Government guidance.
- 5.2 The Head of Legal and Democratic Services (Monitoring Officer ) has commented as follows: “ I note the legal comment and have nothing to add to the report”.

## **6. Data Protection**

- 6.1 There are no implications for processing of personal data in the consideration or approval of this report

## **7. Comment from local member(s)**

- 7.1 N/A this affects the taxi and PHV trade Powys-wide

## **8. Integrated Impact Assessment**

- 8.1 Welsh Government have completed an assessment [Taxi and private hire vehicles licensing guidance: integrated impact assessment \[HTML\]](#) . [GOV.WALES](#). A Powys Impact Assessment has also been completed. The overall summary is set out here:
- 8.2 The full impact of adopting the recommendations within the template policy will be different in each local authority areas due to the current differences in licensing policies/procedures. For Powys many of the recommendations being implemented in the taxi policy are already in place, the main changes for Powys licensed trade are:

**for applicants/licence holders:**

- Greater consistency in policies/forms/licence conditions across Wales

**for licensed drivers:**

- requirement to subscribe to DBS update service on next licence renewal
- move to group 2 medical standard (for drivers licensed since 2008 - approx 100 out of 500)
- requirement to comply with driver code of conduct and dress code

**for vehicle proprietors:**

- proprietors of wheelchair accessible vehicles to ensure that drivers know how to deploy ramps and secure a wheelchair
- DBS checks for vehicle proprietors (currently in Powys all proprietors are licensed drivers anyway so won't impact on existing licence holders)

**for licensed operators:**

- requirement for notification of offences and documented complaints procedures.

**for customers/residents of Powys who use taxi & PHV services:**

- increased frequency of DBS checks increases public safety
- driver code of conduct and dress code aims to improve the professionalism of the sector and provide better customer service
- for disabled passengers ensuring drivers of vehicles know how to deploy ramps and secure a wheelchair

**for licensing staff:**

- potential extra workload in carrying out 6 monthly DBS checks (up to 1000 checks/year once all drivers are subscribed over the next 3 years) - automated solution being sourced
- extra workload in dealing with any adverse checks
- extra workload in dealing with drivers failed to subscribe to update
- ensuring any new conditions/codes are being complied with - initially through education and advice

**9. Recommendation**

- 9.1 To approve the draft Taxi Licensing Policy at Annex A for it to go out to consultation to the public, taxi trade and stakeholders for a period of 6 weeks. Any relevant comments or objections to the content will come

back to this committee after the consultation period for consideration. If there are no relevant comments for the committee to consider then the policy will be published for implementation on 1<sup>st</sup> April 2022.

Contact Officer:	Sue Jones
Tel:	01874 612263
Email:	<a href="mailto:susan.jones@powys.gov.uk">susan.jones@powys.gov.uk</a>
Head of Service:	Gwilym Davies
Corporate Director:	Nigel Brinn