

## LICENSING COMMITTEE

<b>Date of Meeting</b>	Wednesday, 13 February 2019
<b>Report Subject</b>	Welsh Government Consultation: Improving Public Transport
<b>Report Author</b>	Chief Officer, Planning, Environment and Economy

### EXECUTIVE SUMMARY

For Members to consider the draft response to questions 22 to 38 of the Welsh Government consultation, 'Improving Public Transport'

### RECOMMENDATIONS

1	That Members consider the draft response to questions 22 to 38 of the consultation.
2	That Members consider whether there is anything they wish to add to the draft response and that the Committee's views be reflected in the Councils response to the White Paper consultation.

### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE CONSULTATION</b>
1.01	Welsh Government (WG) have prepared a White Paper, entitled 'Improving Public Transport' setting out changes to how public transport, including taxi services will be delivered in the future.
1.02	A consultation in relation to this document was launched by WG on 10 December 2018. The consultation can be accessed by following this link: <a href="https://beta.gov.wales/improving-public-transport">https://beta.gov.wales/improving-public-transport</a>
1.03	The purpose of the consultation is to seek views on the WG legislative proposals for reforming the planning and delivery of local bus services in Wales, together with the licensing of taxis and private hire vehicles (PHV's).

1.04	<p>The intention of the proposals is to:</p> <ul style="list-style-type: none"> <li>• Provide the flexibility to better respond to local public transport needs; and</li> <li>• Ensure consistency and coordination of bus service delivery and a more modern approach to taxi / PHV licensing.</li> </ul>
1.05	<p>Part 2 of the consultation specifically deals with the licensing of taxis and private hire vehicles.</p>
1.06	<p>Taxis and PHVs are a regulated but decentralised service. A taxi cannot currently operate unless both the vehicle and driver are licensed by a local authority under the Town Police Clauses Act 1847. PHV vehicles, drivers and operators cannot operate without licenses granted under the Local Government (Miscellaneous Provisions) Act 1976.</p>
1.07	<p>WG state that ‘following on from consultations undertaken by the Law Commission between 2011 and 2014, and a Welsh consultation in 2017, work has been underway to consider how we might reform the taxi and PHV licensing system in Wales.</p>
1.08	<p>WG identify the issues with the current regime as follows:</p> <ul style="list-style-type: none"> <li>• <b>Inconsistent standards</b> – where local authorities have different licensing standards;</li> <li>• <b>Enforcement</b> – there is no statutory mechanism for enforcement against vehicles licensed in a different authority area from where an infringement has occurred; and</li> <li>• <b>Safeguarding</b> - authorities do not have the means to share safeguarding information.</li> </ul>
1.09	<p>WG indicate that their preferred option constitutes implementation of the following four proposals, also known as ‘Option A’.</p> <ul style="list-style-type: none"> <li>• <b>Proposal 1:</b> the standardisation of taxi and PHV standards between the twenty two local authorities in Wales;</li> <li>• <b>Proposal 2:</b> the inability to take enforcement action against vehicles operating ‘out of area’</li> <li>• <b>Proposal 3:</b> the difficulty in sharing relevant information in relation to safeguarding</li> <li>• <b>Proposal 4:</b> that the existing taxi and PHV licensing functions of the twenty two Welsh local authorities should be redirected to a single national licensing authority. The national authority would be the joint transport authority (JTA) (which is referred to earlier in the consultation paper)</li> </ul>
1.10	<p>WG have also put forward an ‘Option B’ for consideration, which would include the implementation of proposals 1 to 3 without proposal 4. This option would mean the JTA would not be used as the delivery vehicle for the licensing of taxi and private hire vehicles, drivers and operators</p>
1.11	<p>The draft consultation response is shown at Appendix A of this report.</p>
1.12	<p>Proposal 1: Questions 22 to 27 of the consultation address the introduction of national standards.</p>

	We are in agreement that the setting of national standards would benefit the current licensing regime, and the responses reflect this opinion.
1.13	<p>Proposal 2: Questions 28 to 30 address enforcement and the proposal to allow a licensing authority to take enforcement action against any vehicle operating in its area.</p> <p>We are in agreement that the power to suspend a vehicle operating in our area where it causes a direct threat to public safety would be welcome, but that any further action should be taken by the home authority. By doing this, we remove the immediate risk to the public and report the matter back to the home authority.</p>
1.14	Proposal 3: Questions 31 and 32 address information sharing for the purposes of safeguarding, which we agree is critical.
1.15	<p>Proposal 4: Questions 33 to 38 address the WG proposal to redirect all existing taxi functions away from local authorities and into a national licensing authority. A JTA.</p> <p>We do not agree with this proposal.</p>
1.16	As the consultation response reflects, we feel there is no evidence to support the need to redirect this function away from local authorities. There is no detail contained within the White Paper to explain how the JTA would undertake the licensing function and as such it is very difficult to be able to fully answer the question.
1.17	Our overriding concern should be the safety and protection of the public and there is nothing to suggest that this is at the forefront of this proposal. There are many advantages to retaining the function within local authorities, e.g. local knowledge, needs and issues.
1.18	Flintshire County Council believe that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21 <sup>st</sup> century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead what is now being proposed is a quick fix and offers nothing more than a temporary solution. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.
1.19	The Licensing income for taxi and private hire is approximately £130k annually. This income would be lost should the function be transferred to a JTA.
1.20	The consultation period ends on 27 March 2019.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Taxi and PHV licensing is a large part of the work currently undertaken by the licensing team. The loss of the function would result in the loss of the associated income and consequently would trigger a review of the Licensing Service.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The aim of this report is to propose the draft response to a consultation.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The transfer of taxi and private hire licensing to a centralised JTA would have considerable implications for the Licensing Team. The function is now managed at local level, with the knowledge and experience of the officers, and the robust requirements we have in place, contributing to our overarching duty to protect the public.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A – Draft Consultation Response

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Link to WG consultation: <a href="https://beta.gov.wales/improving-public-transport">https://beta.gov.wales/improving-public-transport</a></p> <p><b>Contact Officer:</b> Gemma Potter – Team Leader  <b>Telephone:</b> 01352 703371  <b>E-mail:</b> <a href="mailto:gemma.potter@flintshire.gov.uk">gemma.potter@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Private Hire</b> – a type of licensed vehicle which can only be booked through a licensed Operator’s office.</p> <p><b>Hackney Carriage</b> – Black Cab style taxi or purpose built vehicles which have distinguishable features and can be hailed from the street.</p> <p><b>Joint Transport Authority</b> – the purpose of a JTA is to discharge specified transport functions for the area it relates to.</p>