

Report to Environment and Licensing Committee

Subject: Statutory Taxi & Private Hire Vehicle Standards

Date: 4 August 2020

Author: Director of Community Health and Wellbeing

Purpose

To inform Members of the introduction by the Department for Transport of the Statutory Taxi & Private Hire Vehicle Standards and to request a working group be set up comprising Members of the Environment and Licensing Committee and officers to consider the impact of the new standards on the Council's taxi licensing processes and policies.

Recommendation(s)

THAT Committee:

- 1) Note the introduction of the Statutory Taxi & Private Hire Vehicle Standards.**
- 2) Agree that a working group be set up comprising members of the Committee and officers to consider the impact of the new standards on the Council's taxi licensing process and policies.**
- 3) Agree that any proposed changes to Council policies, including any proposals for consultation on those changes be reported back to the Committee for any necessary determinations.**

1 Background

- 1.1 In July 2020, the Department for Transport published new taxi and private hire vehicle standards ("the Standards"). The Standards can be found at Appendix 1 to this report. The Standards have been introduced to ensure that taxi and private hire licensing authorities use their licensing powers to protect children and vulnerable adults.

- 1.2 A public consultation was carried out between 12 February and 22 April 2019 inviting respondents including passengers, drivers, safety and disability representation groups, taxi intermediaries and licensing authorities, to submit their views on the measures proposed in the draft Statutory Taxi and Private Hire Vehicle Standards produced by the Department of Transport. In response to the consultation, amendments were made to the draft standards and the final document has now been published along with an impact assessment.
- 1.3 The Secretary of State for Transport has written to all Council Leaders to confirm that these standards have now been issued. In the letter he has stated Licensing Authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards and that all licensing authorities should publish their consideration of the measures contained in the Standards and the policies and delivery plans that stem from these.
- 1.4 The Secretary of State for Transport has asked licensing authorities to provide an update to the Department of Transport of their consideration of the Standards six months after their publication, so by the end of January 2021.
- 1.5 The Standards, issued under the Police and Crime Act 2017 have been produced following concern over the links between the trade and child sexual abuse and exploitation that have been established in many areas. The Standards will however be beneficial to all passengers. The Standards are clear that licensing authorities are expected to implement the recommendations in the Standards unless there is a compelling local reason not to. The Standards essentially call for a complete review of licensing regimes by licensing authorities and make a number of recommendations and proposals as to areas that should be considered including: policy, decision making, licence conditions, CCTV in vehicles, enhanced DBS checks as well as advice on safeguarding processes and information.
- 1.6 The following are some of the recommendations made to licensing authorities in the Standards :
 - Reviewing licensing policies at least every 5 years but with interim reviews.
 - Ensuring appropriate whistle blowing policies and procedures are in place for staff to raise concern about licensing process and application of policy.
 - Ensure consultation is carried out in relation to changes in licensing

rules and policies with both the trade and customers.

- Any changes to licence requirements should be followed by a review of licences already issued.
- Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and being used.
- A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult should be referred to the DBS.
- Licence holders should be required to disclose any previous licences held and any application which has been refused or any licence revoked or suspended.
- Licensing authorities should have a robust system in place for recording complaints, including analysing trends across licencees as well as individual complaints.
- Individuals making determinations in respect of licences should undertake sufficient training.
- Ensure arrangements for urgent decisions to be taken in relation to immediate revocation.
- Consideration of the Department's recommendations in relation to the assessment of previous convictions.
- Authorities should refuse to issue licences to individuals appearing on the children and adult barred list and appropriate enhanced DBS checks should be carried out.
- Authorities should provide safeguarding advice and assistance to the trade and ensure awareness of reporting processes where a child or vulnerable person is at risk of harm.
- Authorities should ensure any tests of a driver's proficiency cover both oral and written English language skills.
- Criminality checks should be required for vehicle proprietors.
- Consultation should be undertaken on the mandatory installation of CCTV in taxis.
- Authorities should ensure operators of private hire vehicles keep registers of all staff including bookers.

- 1.7 The Standards also provide detail about enforcement and assessments of previous convictions and their impact on the fit and proper test.
- 1.8 Whilst a number of recommendations set out in the Standards are already in place at the Council, the Standards need detailed consideration by officers and Members to ensure that the Council's policies and practices have proper regard to the Standards. This will be a significant piece of work and will require input from officers and Members.

2 Proposal

- 2.1 That Members note the introduction of the Statutory Taxi & Private Hire Vehicle Standards.
- 2.2 That Members agree that a working group be set up comprising of members of the Committee and officers to consider the impact of the new standards on the Council's taxi licensing process and policies and to progress recommendations and practices detailed in the Standards where these are not already incorporated into the Council's taxi and private hire licensing regime.
- 2.3 That any proposed changes to Council policies and procedures, and any necessary consultations are required to be reported back to the Committee for consideration.

3 Alternative Options

- 3.1 The Council could choose not to review their policies and procedures in the light of the Standards, however, the Standards are clear that licensing authorities are expected to implement the recommendations in the Standards unless there is a compelling local reason not to.
- 3.2 The review of the Council's licensing regime could be carried out without establishing a working group, however, Member and officer involvement is considered essential to ensure robust scrutiny of the current regime against the Standards.

4 Financial Implications

- 4.1 There are no additional resource implications or budgetary implications in relation to this review. Any new measures resulting from a review of the licensing regime may have budgetary implications but these will be considered at a later stage.

5 Legal Implications

- 5.1 The Standards are clear that licensing authorities are expected to implement the recommendations in the Standards unless there is a compelling local reason not to. The Standards also make it clear that it is a statutory requirement to have regard to them.
- 5.2 Following a review of the licensing regime it is likely that there will be changes to policy and practice which will require consultation with the trade and the public and appropriate approvals will need to be sought from Committee.

6 Equalities Implications

- 6.1 As part of the review Equalities Impact Assessments will be necessary, in addition any consultation required will need to be conducted in a way that complies with the Equality Act 2010. The Standards themselves have a particular impact on individuals within the protected characteristics of age, disability and race, this will need further consideration as part of the review.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no direct implications arising from this report.

8 Appendices

- 8.1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902238/statutory-taxi-and-private-hire-vehicle-standards-english-21-7-2020.pdf

Department for Transport – Statutory Taxi and Private Hire Standards

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer