

Report to Environment and Licensing Committee

Subject: Statutory Taxi & Private Hire Vehicle Standards

Date: 9 March 2021

Author: Corporate Director of Environment, Communities and Leisure

Purpose

To advise Members of the recommendations of the working group, appointed at the meeting held in August 2020, following consideration of the impact of the Department of Transport's Statutory Taxi & Private Hire Vehicle Standards on the Council's policies, procedures and conditions.

To obtain member approval for the matters contained at Appendix 1 and 2 of the report be issued for an 8 week public consultation.

Recommendation(s)

THAT Committee:

- 1) Note the recommendations of the working group.**
- 2) Approve that the matters contained at Appendix 1 & 2 of the report be issued for an 8 week public consultation.**

1 Background

- 1.1 At the meeting held on 4 August 2020 Members considered a report on the Department of Transport's Statutory Taxi & Private Hire Vehicle Standards ("the Standards"). The Standards were introduced to ensure that taxi and private hire licensing authorities use their licensing powers to protect children and vulnerable adults.

Whilst a number of recommendations set out in the Standards are already in place at the Council, the Standards needed detailed consideration by officers and Members to ensure that the Council's policies and practices have proper regard to the Standards.

- 1.2 After consideration of the report Members resolved to:

- 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 polices, including any proposals for consultation on those changes be reported back to the Committee for any necessary determinations.*
- 1.3 Following the Committee meeting officers met to go through the Standards to draw out the areas that the Council was already adhering to and the areas that would require discussion by the Working Group. A document of the areas that required discussion was produced and formed the basis of the Working Group's discussion and consideration
 - 1.4 The Working Group met in November 2020 and again in February 2021. The table at Appendix 1 contains the areas that were discussed and the recommendations by the Working Group and the impact on any areas in the Council policies that will require consultation.
 - 1.5 The Standards also provide detail about enforcement and assessments of taxi licensing applicant's previous convictions and their impact on the fit and proper test. The document that is referred to in the Standards as being recommended for use when assessing an applicant's convictions, draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government. The table at Appendix 2 contains details of a comparison of this document against the existing Council convictions policy and highlights the differences within each document. It is intended that Appendix 2 will form the basis of the consultation questions about changes to the Council's convictions policy.
 - 1.6 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 which was by the end of January 2021. This was sent to Authorities in the form of a survey from the Department of Transport which was seeking confirmation from local authorities that they had considered the Standards and were making progress on any changes. The survey comprised of two questions and a comments section which has been completed by officers and returned.

2 Proposal

- 2.1 That Members note the recommendations of the working group.
- 2.2 To obtain Member approval that the matters contained at Appendix 1 & 2 of the report be issued for an 8 week public consultation.
- 2.3 That officers bring back the findings of the public consultation to a future Committee with a draft of any changes to polices, specifications and

conditions to be considered by Members.

3 Alternative Options

- 3.1 The Council could choose not to go out to consultation on a review of the Council's policies and procedures in the light of the Standards. This would mean we may be unable to implement some of the changes as recommended by the Department of Transport. 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 Council may therefore be at risk of sanction.

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 Appendix 1 – Table of potential change to policies, specifications and procedures to go out to consultation.

Appendix 2 - Table of comparison between the Council's Convictions Policy and the recommendations in the Standards.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer