

Statutory Taxi and Private Hire Vehicle Standards Report

Committee considering report: Licensing Committee

Date of Committee: 30 November 2020

Portfolio Member: Councillor Hilary Cole

Report Author: Julia O'Brien

1 Purpose of the Report

- 1.1 To inform members of the recently published 'Statutory Taxi & Private Hire Vehicle Standards' issued by the Department for Transport (DfT).
- 1.2 To set out the basis of work required to be completed in regards the Hackney Carriage and Private Hire Policy and School and Community Services Policy in line with recommendations made by the Statutory Taxi and Private Hire Vehicle Standards to be then considered by the Licensing Committee.

2 Recommendations

- 2.1 That Members **NOTE** the content of the statutory standards.
- 2.2 That Members **AGREE** to further reports detailing changes to existing terms and conditions of Hackney Carriage, Private Hire and Private Hire Operators licences and associated requirements of these licences to be amalgamated into a policy that encompasses the statutory standards

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications associated with this report
Human Resource:	There are no Human Resource implications with this report
Legal:	There are no legal implications as a result of these recommendations.

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Risk Management:	There are no risk management implications as a result of these recommendations.			
Property:	There are no property implications for this report			
Policy:	There are no policy or cross-council implications as a result of these recommendations			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No impact
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No impact
Environmental Impact:		✓		No Impact
Health Impact:		✓		No impact
ICT Impact:		✓		None
Digital Services Impact:		✓		Not relevant to this report

Council Strategy Priorities:	✓		This work is business as usual within the service.
Core Business:	✓		It is business as usual
Data Impact:	✓		No impact
Consultation and Engagement:	The work that is undertaken following the report will be consulted on prior to any decisions being made with the trade and any others who may be effected by the suggested policies.		

4 Executive Summary

- 4.1 On 21 July 2020, the Department of Transport issued Statutory Taxi & Private Hire Vehicle Standards for the first time which replaced the Department's 2010 Best Practice Guidance.
- 4.2 Under the Policing and Crime Act 2017 the Secretary of State for Transport is enabled to issue statutory guidance on the exercising of taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
- 4.3 The Guidance is the result of extensive consultation with the police, the trade, the Institute of Licensing and others and sets out the approach that Licensing Authorities must adopt when carrying out their functions.
- 4.4 This authority has already previously implemented a number of the recommendations on its own volition but the guidance provides the opportunity to further tighten the current licensing scheme. The report sets out the major changes to the licensing regimes

5 Supporting Information

- 5.1 The Statutory Standards published on 21 July 2020 set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 5.2 Government advice is that licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.
- 5.3 The Department for Transport will monitor licensing authorities' responses to the Statutory Standards and all authorities are expected to provide an update by 31st January 2021 in developing the standards
- 5.4 On 21 July 2020, the Department of Transport issued Statutory Taxi & Private Hire Vehicle Standards for the first time which replaced the Department's 2010 Best Practice Guidance.

- 5.5 Under the Policing and Crime Act 2017 the Secretary of State for Transport is enabled to issue statutory guidance on the exercising of taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
- 5.6 The Guidance is the result of extensive consultation with the police, the trade, the Institute of Licensing and others and sets out the approach that Licensing Authorities must adopt when carrying out their functions.
- 5.7 This authority has already previously implemented a number of the recommendations on its own volition but the guidance provides the opportunity to further tighten the current licensing scheme. The report below sets out the major changes to the licensing regimes.

5.8 New Standards

5.8.0 The main areas of the statutory standards cover the following:

- 5.8.1 Licensing policy. Authorities should produce a ‘cohesive policy document’ that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years.
- 5.8.2 Fit and proper test. Until now there has been no statutory definition of what amounts to a ‘fit and proper’ person for the purposes of the legislation. Now this should be based on a balance of probabilities basis and be proportionate. Applicants should not be ‘given the benefit of the doubt’ and if the panel is only “50/50” as to whether the applicant is ‘fit and proper’ they should not be given a licence. This is a lower threshold than for criminal convictions and can therefore include information that goes beyond criminal convictions.
- 5.8.3 Administration. There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation and it is suggested that less contentious matters can be resolved by authorised officers. It is recommended that more serious matters are dealt with by committee.
- 5.8.4 Whistleblowing. It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.
- 5.8.5 DBS checks. Subscription to the DBS Update Service by drivers and operators at their own expense. This will enable the Authority to review the DBS record of a driver or operator at any time, but it is recommended that the records should be reviewed every six months as a minimum. In addition there is a new requirement that all Booking and Dispatch staff should be subject to a basic DBS check and it will be mandatory for operators to keep records of any individual that responded to the booking request and/or despatched a vehicle to the booking request.
- 5.8.6 Oversees convictions. DBS cannot access criminal records held overseas – certificates of good character should be obtained where an applicant has previously lived outside the UK for a period of more than 3 continuous months.

- 5.8.7 Convictions policies. All authorities should have a clear policy that takes a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.
- 5.8.8 Common Law Police disclosures. These should also be considered as part of the ‘fit and proper’ test. This replaced the previous Notifiable Occupations Scheme.
- 5.8.9 Multi-agency Safeguarding Hub (MASH). Authorities should establish a means to facilitate the objectives of the local MASH. It highlights obstacles in sharing information as a barrier to effective safeguarding.
- 5.8.10 Complaints against licensees. All authorities should have robust complaint recording systems and take action if necessary. Authorities should produce guidance for passengers on how to make complaints. Operators should be able to share concerns regarding drivers with the local authority.
- 5.8.11 Mandatory safeguarding awareness training for all drivers. Authorities should provide safeguarding advice and guidance and explain to drivers how to respond and report concerns and where to get advice. Training should include ‘County Lines’ drug trafficking awareness.
- 5.8.12 All licence holders to demonstrate proficiency in English language. All drivers should be able to converse with passengers to understand destination, estimates of time along with other common passenger requests. Drivers should be able to provide correct change and produce a legibly written receipt upon request.
- 5.8.13 Enforcement. Joint authority agreements between authorities are encouraged. Drivers should be made aware of relevant policies and repercussions.
- 5.8.14 Suspension and revocation of driver licences. The guidance clarifies situations in which revocations and suspensions may be used.
- 5.8.15 Private hire operators and criminal record checks. All operators should be subject to an annual basic DBS check. Ancillary staff that have access to booking records should also be DBS checked.
- 5.8.16 Record keeping. The guidance suggests minimum information that should be recorded when accepting a booking.
- 5.8.17 CCTV in vehicles. Local consultation to determine if mandatory CCTV would have a positive or negative on the safety of passengers.
- 5.8.18 Local consultation. It suggests it is good practice to consult when proposing significant changes in local licensing rules. Consultation should include passengers and trade groups.
- 5.8.19 Changes to polices – should apply to all licence holders (so any changes would be retrospective).
- 5.8.20 Criminality checks for vehicle proprietors. Basic disclosure undertaken annually.

5.8.21 stretched Limousines. Consideration should be given to their licensing

5.9 Assessment of Previous Convictions

5.9.1 The standards suggest a range of recommendations relating to all taxi licensing convictions policies. These are based on those produced by the Institute of Licensing which have already been incorporated into our existing terms and conditions of licences.

6 Other options considered

6.1 There is no option but to review current terms and conditions in line with the statutory guidance.

7 Conclusion

7.1 Members are requested to note the new standards and recommended changes. Further reports will be presented in order to implement changes to current conditions and policies and these will then be subject to wider consultation including the trade.

Background Papers:

Statutory Taxi & Private Hire Vehicle Standards, Hackney Carriage, Private Hire and Private Hire Operator terms and conditions

Subject to Call-In:

Yes: No:

Report is to note only

Wards affected: All

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