



**Report Reference Number: L/20/5**

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**To:** Licensing Committee  
**Date:** 7<sup>th</sup> December 2020  
**Status:** Non-Key Decision  
**Ward(s) Affected:** Whole District  
**Author:** Sharon Cousins, Licensing Manager  
**Lead Executive Member:** Councillor Pearson, Lead Member for Housing, Health and Culture  
**Lead Officer:** Alison Hartley, Solicitor to the Council

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**Title:** Statutory Taxi and Private Hire Vehicle Standards

**Summary:**

The Secretary of State for Transport (DfT) has issued new Statutory Taxi and Private Hire Vehicle Standards to Licensing Authorities, this is aimed at safeguarding children and vulnerable adults.

The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. Government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.

In areas where there are existing and comprehensive licensing policies, the DfT has made it clear that it expects these to be reviewed considering the statutory guidance and for licensing authorities to implement changes.

**Recommendations:**

That the Committee notes the new statutory guidance (Appendix A) which the Licensing Authority will have regard to until it is fully considered and if required incorporated into the councils Taxi Licensing Policy.

**Reasons for recommendation**

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 standard.

**1. Introduction and background**

- 1.1** The Secretary of State for Transport (DfT) has issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020 which are aimed at safeguarding children and vulnerable adults. The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that Government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. This is the first time that a taxi licencing statutory guidance document has been issued.
- 1.2** The DfT stated that it will monitor licensing authorities' responses to the Statutory Standards. The Department is aware of the challenges caused by the current coronavirus pandemic and is mindful of this. Although the Secretary of State is asking all licensing authorities to provide an update to the Department of their consideration of the Standards six months after their publication, by the end of January 2021. It is expected that the recommendations are implemented unless there is a compelling local reason for not doing so.
- 1.3** Licensing authorities are under a legal duty, under section 177 of the Policing and Crime Act 2017, to have regard to the Statutory Standards. It has been declared that in the interests of transparency, all licensing authorities should publish their considerations of the measures contained in the Standards and the policies and to outline delivery plans that stem from these. The update will enable government bodies to engage with those authorities that do not adopt the Standards and to seek from them a rationale for failing to act to protect passengers.
- 1.4** The Statutory Standards are seen nationally as an important first step in reforming the way the taxi and private hire vehicle sector is regulated and this should ensure consistent standards between licensing authorities, which has caused a number of difficulties over the years. The DfT fully expects licensing authorities to implement these measures as soon as possible and it is for that reason this initial briefing is provided to this committee to allow a timeline to take this forward.
- 1.5** The Government will later this year consult on revised best practice guidance that will reflect the enormous changes that the industry has undergone in recent years and make clear recommendations on the measures licensing authorities should consider to enable the trade to react to the demands of passengers

## **2. Interim Assessment**

The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that, under section 177(4), licensing authorities must have regard to when exercising their functions. Officers have had the opportunity to complete an interim assessment of the Statutory Standards and a summary of the full document that was circulated is provided in Appendix B.

- 2.1** The assessment outlines measures and steps that have already been taken by this licensing authority that are relevant to the proposed Standards. This Council adopted its existing taxi and private hire policy in January 2020 however it is quite proper to regularly review the policy and ensure it is relevant and up to date. The Policy adopted by the Council already addresses many of the statutory standards.
- 2.2** There are twenty key points as Statutory Standards for all licensing authorities to address. It has been identified that there are four that require further examination and review by this Council. To assist members today, Appendix B lists key headings raised as the Statutory Standards with a commentary added for each. A summary has been included about the present situation for this licensing authority that will require review in the months ahead.
- 2.3** To summarise the points in Appendix B that require further consideration by this authority are:
- a) Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence (under point 5)
  - b) Driver criminality checks will require DBS checking every six months being far more frequent than currently with an impact on officers and licence holders (under point 13)
  - c) Language proficiencies test a driver's proficiency in both oral and written English language.
  - d) CCTV and audio recording assessment and whether it is necessary in this district; this authority has been awaiting national guidance to this point. Prohibitive costs for licence holders need to be assessed against a specific need for mandating all vehicles (under point 17)
- 2.4** The committee is therefore invited from this point forward to have regard to the Statutory Taxi and Private Hire Vehicle Standards.
- 2.5** Members are asked to make comment on the proposals in Appendix B, then officers will develop the proposed consultation document that will be put before the Licensing Committee in due course. This proposal will meet the requirements under point 1.2 of this report to allow the necessary update to be provided to the Department of Transport on this council's plans by 31st January 2021.

### **3. Implications**

#### **3.1 Regulatory Legal Implications**

There is no statutory requirement to have a taxi licensing policy, however, it is good practice to do so and will provide consistent decision making. The policy

sets out the standard that the Council will use to formulate its decisions on application for licences, their renewal and consideration for their continuance. The Council must consider each case on its own merits and may depart from the policy in exceptional cases.

There are a range of powers contained in legislation that allows the Council to specify the standards that must be met to be licensed by the Council and to protect public safety. Furthermore, if these standards are not met the Council is permitted by legislation to refuse, revoke, or suspend a licence.

The Council must have due regard to the public sector equality duty which is contained within the Equality Act 2010. An Equalities Impact Assessment would be carried out.

### **3.2 Financial Implications**

N/A

### **3.3 Policy and Risk Implications**

The policy objective is to mitigate as far as practicable the risk to children and vulnerable adults when using taxis and private hire vehicles. The adoption of the robust requirements, administration and enforcement of taxi and private hire vehicle licensing proposed in the standards will mitigate the risk to passengers when using taxis and private hire vehicle.

### **3.4 Corporate Plan Implications**

N/A

### **3.5 Resource Implications**

N/A

### **3.6 Other Implications**

N/A

### **3.7 Equalities Impact Assessment**

N/A

### **Conclusion**

#### **4.1** Members are requested to consider the new standards and recommended changes and provide their comments.

Officers will then review the current taxi licensing policy considering the new standards, in line with comments received. A Further report will be presented to the Licensing Committee recommending to the Executive that a public consultation commence.

**5. Background Documents**

*None*

**7. Appendices**

Appendix A - DfT Statutory Taxi & Private Hire Vehicle Standards  
Appendix B – Key Headings and Selby's current stance

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