

APPENDIX 1



Report Reference Number: E/21/7

To: Executive
Date: 8th July 2021
Status: Non-Key Decision
Ward(s) Affected: All
Author: Sharon Cousins, Licensing Manager
Lead Executive Member: Councillor Grogan, Lead Executive Member for Housing, Health and Culture
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Proposed Taxi Licensing Consultation on 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 services are safe for public use.

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

1. Recommendations:

The Executive to approve the proposed consultation document, at Appendix A to this report for public consultation for a period of 8 weeks. Consultation to take place between the 12th July to the 6th September 2021.

Reasons for recommendation

The view of the DfT is that all licensing authorities should have reviewed their Taxi Licensing Policies against the new standards by the end of 2021, so that any changes to policies can be in place as soon as possible in 2022. The purpose of the new standards is to increase safeguarding of the public and the Council promotes this.

2. Introduction and background

2.1 The DfT 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.

2.2 The DfT stated that it will monitor licensing authorities' responses to the Statutory Standards. The DfT is aware of the challenges caused by the current coronavirus pandemic and is mindful of this. Although, the DfT asked all licensing authorities to provide an update to the DfT of their consideration of the Standards within six months after the publication of the standards, namely by the end of January 2021. Selby District Council licensing authority achieved this requirement. It is expected that the recommendations are implemented unless there is a compelling local reason for not doing so.

2.3 Licensing authorities are under a legal duty, under section 177 of the Policing and Crime Act 2017 ("the Act"), 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.

2.4 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 by 2022 as can be seen in the letter from the DfT, dated April 2021 in Appendix B.

2.5 The Licensing Committee was updated on the new standards in 2020 and resolved that a public consultation should be put together to consult on the proposed standards which are not in Selby's Taxi Licensing Policy. The Chairman and Vice-Chairman of the Licensing Committee have recommended that the proposed consultation document before the committee today at Appendix A is recommended for approval by the Executive to begin a public consultation.

3. Interim Assessment

- 3.1** The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that, under section 177(4) of the Act, licensing authorities must have regard to when exercising their functions. Officers completed an initial assessment of the Statutory Standards in 2020 and provided a summary of the full document to the Licensing Committee
- 3.2** 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.
- 3.3** There are a number of key points as Statutory Standards for all licensing authorities to address. To assist members today, Appendix C 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. Those highlighted in grey are to be consulted on and included the proposed consultation.
- 3.4** To summarise the points in Appendix C that require further consideration (highlighted in grey) 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), Selby's current taxi licensing policy states 3 days.
 - 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). (Presently, drivers sign up to a DBS update service and a check is carried out annually).
 - c) whether it is necessary and proportionate in this district to mandate CCTV and audio recording in all licensed vehicles; this authority has been awaiting national guidance on this point. The costs for licence holders need to be assessed against the benefits of mandating all vehicles (under point 17).
 - d) Displaying within all vehicles how and where to make a complaint against a licence holder to the licensing authority (under point 8).
 - e) Notifying of the use of passenger carrying vehicles (PCV) by a licensed operator (point 21).
 - f) Requirement for a private hire operator to keep a register of all staff taking bookings (point 16).

g) Joint authorisation of enforcement officers in other areas (point 19).

3.5 Following the consultation, comments will be brought back to the Executive with any recommended amendments to the Taxi Licensing Policy for consideration, and approval for further public consultation.

4. Implications

4.1 Legal Implications

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.

4.2 Financial Implications

There are no additional costs involved and changes will be brought in within the current budget.

4.3 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.

4.4 Council Plan Implications

N/A

4.5 Resource Implications

N/A

4.6 Other Implications

N/A

5. Equalities Impact Assessment

Equalities impact screening has taken place and no significant negative impacts were identified in the immediate future.

The assessment shows that we have considered how the consultation will reach all groups and will ensure that consultation information is as clear as possible, on our website in plain English/easy to read format.

The policy is always under review to make amendments when required.

6. Conclusion

- 6.1** If the Executive approve the proposed consultation document, in Appendix A and resolves to permit the public consultation, the Council will have achieved its obligation set by the DfT for a public consultation to take place on proposals to be considered by each authority, in accordance with the DfT's Statutory Taxi and Private Hire Vehicle Standards, which in turn may require an amendment to Selby's Taxi Licensing Policy.

7. Background Documents

The Statutory Taxi and Private Hire Vehicle Standards document
Equalities Impact Assessment

8. Appendices

Appendix A – Proposed consultation document
Appendix B – Letter from the DfT
Appendix C – Full Assessment

Contact Officer:

Sharon Cousins
Licensing Manager
scousins@selby.gov.uk
01757 2942033