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| Title of Report | REVIEW OF TAXI & PRIVATE HIRE DRIVER AND VEHICLE POLICY | |
| Presented by | Lee Mansfield Environmental Health Team Manager | |
| Background Papers | Department for Transport - Statutory Taxi and Private Hire Vehicle Standards | Public Report: Yes |
| Financial Implications | All of the proposed policy changes will be implemented within existing budgeted resources. | |
| | Signed off by the Section 151 Officer: Yes | |
| Legal Implications | The Statutory Standards document sets out a framework of policies that, under section 177(4) of the Policing and Crime Act 2017, licensing authorities “must have regard” to when exercising their functions. The process of review, consultation and devising revised policy will satisfy this legal requirement. | |
| | Signed off by the Monitoring Officer: Yes | |
| Staffing and Corporate Implications | The workload associated with the review of the policy shall be undertaken within existing resources. | |
| | Signed off by the Head of Paid Service: Yes | |
| Purpose of Report | To report the outcome of a review of current hackney carriage and private hire policy, comparing the current policy against the statutory taxi and private hire vehicle standards | |
| Recommendations | <p>THAT LICENCING COMMITTEE:</p> <ol style="list-style-type: none"> 1. NOTES THE OUTCOME OF THE POLICY REVIEW 2. ENDORSES THE COMMENCEMENT OF THE CONSULTATION FOLLOWING THE PROCESS DETAILED IN THE REPORT. | |

1.0 Background

- 1.1 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals (who are over 18) from harm when using these services. The statutory guidance, published in July 2020 is titled ‘Statutory Taxi & Private Hire Vehicle Standards’ (‘the Standards’)
- 1.2 Whilst the focus of the Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is

consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector, and the recommendations in the standards document are the result of detailed discussion with the trade, regulators and safety campaign groups.

- 1.3 The Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department for Transport's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.4 The past failings of some licensing regimes around the country must never be repeated. The Department for Transport has carefully considered the measures contained in the Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. This report brings up to date this council's consideration of the recent legislation and policy changes that were delayed due to the pandemic.

2.0 Administering the Licensing regime

Licensing Policies

- 2.1 The Standards recommend that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 2.2 North West Leicestershire District Council's current policy relating to taxi and private hire vehicle licensing is set out in the following documents:
 - NWLDC Hackney Carriage and Private Hire Licensing 'Fit and Proper Person Policy' (and appendices) Issue 17
 - NWLDC Private Hire Vehicle Licensing Policy and Conditions – Issue 9
 - NWLDC Hackney Carriage Vehicle Licensing Policy and Conditions – Issue 10

The outcome of this policy review will be a cohesive policy, bringing together the content of the above documents.

- 2.3 The Standards state that licensing authorities should review their licensing policies every five years but should also consider interim reviews should there be significant issues arising in their area, and their performance annually. This approach is already followed in North West Leicestershire.

3.0 A Comparison of Current Policy and the Statutory Standard

- 3.1 The current North West Leicestershire District Council policy has been reviewed and compared against the 'Standards'. The result of the review is detailed at Appendix 1.
- 3.2 The North West Leicestershire District Council policy already meets the statutory standard in most policy areas. It is recommended that a consultation be carried out on proposals to make changes to the following policy areas listed below. More detail on the changes proposed is detailed within Appendix 1.

- Duration of licences - Require the completion of safeguarding awareness and disability awareness training prior to granting a standard three-year licence
- The Disclosure and Barring Service – To require subscription to the DBS update service
- Licensee self-reporting – To change the notification period requiring licence holders to notify the council of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence from 7 days to 48 hours.
- Criminal convictions and rehabilitation - To consider adopting the Assessment of Previous Convictions policy annexed to the Standards
- Criminality checks for drivers - To introduce a routine check for new information every 6 months. To continue the current policy of encouraging licence holders to register with the 'update service' or introduce as a requirement. Any licensed driver choosing not to subscribe to the update service to submit a DBS application every 6 months to enable the routine 6 monthly check to be carried out.
- Safeguarding awareness - Consider requiring the completion of safeguarding awareness training prior to being granted a licence. To introduce a condition upon the grant of a licence that drivers are required to undergo refresher safeguarding awareness training
- Criminality check for vehicle proprietors - To require a basic disclosure from the DBS and undertake an annual check
- Criminality checks for private hire vehicle operators - To extend the current requirement so all directors or partners applying require checks against the children and adult barred lists as well as the DBS service. To require a basic disclosure from the DBS and carry out a check annually
- In-vehicle visual and audio recording – CCTV - To consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or adverse net effect on safety and considering potential privacy issues.
- Booking and dispatch staff / record keeping - To introduce as a condition of granting an operator licence, a requirement to keep a register of all staff that will take bookings or dispatch vehicles.
- Setting expectations and monitoring - To identify if the introduction of a points-based system would have either a positive or adverse net effect on safety and considering the resource implications of implementing such a scheme.
- Passenger Complaints / Feedback - To complete the review and introduce the revised passenger complaint / feedback process

4. Next steps

- 4.1 A 12-week consultation process will be carried out commencing in July 2022. This will involve consulting the existing licence holders, trade bodies and the public.
- 4.2 A draft policy will be presented to Licensing Committee in November 2022 for consideration and approval.

| Policies and other considerations, as appropriate | |
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| Council Priorities: | <ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Our communities are safe, healthy and |

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| | connected |
| Policy Considerations: | Detailed within the body of the report |
| Safeguarding: | The Standards reflect the significant changes in the taxi industry and lessons learned from experiences in local areas since the 2010 version of the Department of Transport's Best Practice Guidance. This statutory guidance aims to safeguard the most vulnerable in society. |
| Equalities/Diversity: | No negative impact. |
| Customer Impact: | Applicants and licence holders will be impacted by policy changes. |
| Economic and Social Impact: | Whilst the focus of the Statutory Standards is on protecting children and vulnerable adults, all passengers and customers will benefit from the recommendations within it. |
| Environment and Climate Change: | No impact noted. |
| Consultation/Community Engagement: | The Department for Transport worked with the Home Office, Local Government Association, personal safety charities, trade unions, and trade bodies to assist in devising the Standards. Local consultation process detailed within the body of the report. |
| Risks: | The Standards document sets out a framework of policies that, under section 177(4) of the Policing and Crime Act 2017, licensing authorities "must have regard" to when exercising their functions. The process of review, consultation and devising revised policy will satisfy this legal requirement. There is a risk of challenge if the Council does not give proper regard to the Standards. |
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