

Title of Report	REVIEW OF HACKNEY CARRIAGE & PRIVATE HIRE LICENSING 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 Deputy 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 licensing policy	
Recommendations	<p>THAT LICENSING COMMITTEE:</p> <ol style="list-style-type: none"> 1. CONSIDERS THE OUTCOME OF THE POLICY REVIEW AND CONSULTATION PROCESS 2. APPROVES THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE POLICY ATTACHED AT APPENDIX 1 3. DELEGATES RESPONSIBILITY TO THE ENVIRONMENTAL HEALTH TEAM MANAGER TO IMPLEMENT THE POLICY AND TO MAKE CHANGES TO THE KNOWLEDGE TEST 	

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 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). The Department for Transport has carefully considered the measures contained in the Standards and recommend that these should be put into 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 is a cohesive policy, bringing together the content of the above documents.

3.0 A Comparison of Current Policy and the Statutory Standard

- 3.1 The council's policy has been reviewed and compared against the 'Standards'. The outcome of the review is a draft policy at **Appendix 1**.
- 3.2 The council's policy already meets the statutory standard in most policy areas. Proposals for change were drafted for those policy areas that differ from the 'Standards'. A consultation process has been undertaken focussing on the proposals for change.

4.0 Consultation Process and Feedback

- 4.1 A formal consultation process commenced on 7 July and ended on 25 September 2022.
- 4.2 The following groups / organisations were consulted:
Existing licence holders (drivers, vehicle proprietors, operators), NWLDC Elected Members; Parish Councils; Leicestershire County Council Transport and safer travel; NWLDC Depot; Climate Change Manager NWLDC; Leicestershire Licensing Forum/Leicestershire Licensing Authorities; Local Police/ Leicestershire Police licensing; Equality and Diversity Officer NWLDC; NWLDC Community Safety; NWLDC Planning Policy; NWLDC Cultural services; Schools.
- 4.3 9 consultation responses were received, consisting of 8 individual licence holders and 1 private hire operator. The consultee comments and responses are detailed at **Appendix 2**.
- 4.4 An evaluation of the consultation feedback detailing final proposals detailed within the draft policy is found at **Appendix 3**.

5.0 Next steps

November / December:

- Finalise and publish the policy
- Make necessary changes to webpage content and internal processes
- Staff training
- Communication to the licensing trade

1 January 2023 – Commencement of the policy

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none">- Support for businesses and helping people into local jobs- Our communities are safe, healthy and 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:	Proposed changes to policy do not have a disproportionate negative impact on individuals with protected characteristics.
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:	<p>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 Statutory Standards.</p> <p>Local consultation process detailed within the body of the report.</p>
Risks:	<p>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.</p>
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