

BROMSGROVE DISTRICT COUNCIL

**LICENSING
COMMITTEE**

21st September 2020

STATUTORY TAXI AND PRIVATE HIRE STANDARDS

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| Relevant Portfolio Holder | Councillor A Kent |
| Portfolio Holder Consulted | No |
| Relevant Head of Service | Simon Wilkes – Head of Worcestershire Regulatory Services |
| Wards Affected | All Wards |
| Ward Councillor Consulted | N/A |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

The Department for Transport has recently published guidance under section 177 of the Policing and Crime Act 2017 entitled “Statutory Taxi & Private Hire Standards.” As a public authority which has licensing functions under taxi and private hire vehicle legislation, the Council has a legal duty to have regard to this guidance.

2. RECOMMENDATIONS

That the Committee note the content of the report, give consideration to the guidance at Appendix 1 and note that officers will now begin a review of all of the Council’s hackney carriage and private hire licensing policies in light of the guidance.

3. KEY ISSUES

Financial Implications

- 3.1 The costs associated with conducting a review of the Council’s hackney carriage and private hire licensing policies will be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Statutory Taxi and Private Hire Standards have been published by the Department for Transport under the powers set out in section 177 of the Policing and Crime Act 2017.

- 3.3 Section 177(4) of the Policing and Crime Act 2017 states that any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.

Service / Operational Implications

- 3.4 Section 177 of the Policing and Crime Act 2017 enabled the Secretary of State to issue statutory guidance to taxi and private hire licensing authorities as to how their licensing functions may be exercised so as to protect children and vulnerable individuals who are 18 and over from harm.
- 3.5 The legislation was to a large extent prompted by the Jay and Casey reports on child sexual abuse and exploitation (CSAE) in Rotherham. Both of these reports highlighted examples of taxi / private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused or sexually exploited.
- 3.6 A public consultation on draft statutory guidance ran between 12 February 2019 and 22 April 2019. Following lengthy consideration of the consultation responses, the Department for Transport published guidance entitled Statutory Taxi & Private Hire Standards (hereafter referred to as "the Standards") on 21 July 2020. A copy of the Standards can be seen at **Appendix 1**.
- 3.7 The Standards contains a number of recommendations regarding matters connected to taxi and private hire licensing functions including:
- Criminality checks for licence holders
 - Working with the Police
 - Sharing information with other licensing authorities
 - Dealing with complaints about drivers and operators
 - Training for Members
 - Criminal convictions and rehabilitation of offenders
 - Safeguarding awareness advice, guidance and training for drivers
 - Language proficiency
 - CCTV in licensed vehicles
 - Regulation of booking and dispatch staff
 - Record keeping

- 3.8 The introduction to the Standards states that the Department for Transport “expects these recommendations to be implemented unless there is a compelling local reason not to.”
- 3.9 It is clear therefore that it is the desire of the Government to see consistent standards applied by taxi and private hire licensing authorities across the country.
- 3.10 Officers believe that all of the Council’s current hackney carriage and private hire licensing policies will now need to be reviewed carefully with a view to implementing any changes required in light of the recommendations set out in the Standards.
- 3.11 This review would ultimately lead to the drafting of a new cohesive policy document that brings together all the Council’s procedures on taxi and private hire vehicle licensing. This will include, but not be limited to, policies on convictions, a “fit and proper” person test, licence conditions and vehicle standards.
- 3.12 Members are asked to note the content of this report, give consideration to the Standards at Appendix 1 and to note that officers will now begin a review of all of the Council’s hackney carriage and private hire licensing policies in light of the Standards.

4. RISK MANAGEMENT

- 4.1 Failure to have regard to the guidance issued under section 177 would leave the Council in breach of a legal duty to do so.
- 4.2 Although it remains the case that the Council must reach its own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the Standards without sufficient justification could be detrimental to the authority’s defence.

5. APPENDICES

Appendix 1 – Department for Transport guidance entitled “Statutory Taxi & Private Hire Vehicle Standards”

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