

WRS Board

The new Statutory Standards for Taxis and Private Hire Vehicles

Date: 19th November 2020

Recommendation	That Members note the report and the guidance highlighted via the link included in the paper.
Background	<p>In July 2020, following a number of high profile enquiries into criminal offences involving taxi drivers, the Secretary of State for Transport issued the long awaited, new 'Statutory Taxi and Private Hire Vehicle Standards' to licensing authorities aimed at safeguarding children and vulnerable adults.</p> <p>The standards set out a range of measures to protect passengers and the Department for Transport will require an update from each licensing authority by January 2021.</p> <p>Licensing authorities have a legal duty under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards, and are expected to publish their considerations and any changes to policies and procedures that stem from them.</p>
Report	<p>Service Impacts</p> <p>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.</p> <p>The legislation was, to a large extent prompted by the Jay and Casey reports on child sexual abuse and exploitation (CSAE) in Rotherham. These issues have also come to light in a number of places across the country. 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.</p> <p>A public consultation on the draft statutory guidance ran between 12 February 2019 and 22 April 2019, however, the Department for Transport (DfT) only published its</p>

'Statutory Taxi & Private Hire Vehicle Standards' on 21st July 2020. Rather than providing members with 40 pages of additional papers, members can access the document on the .GOV website using the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

The Standards are the result of a consultation and detailed discussions by DfT with the taxi trade, regulators and safety campaign groups during 2018 and 2019. This committee formally responded to the consultation in April 2019.

Recommendations in the Standards

The Standards contain a number of recommendations regarding matters connected to taxi and private hire licensing functions including:

- Criminality checks for licence holders
- Working in partnership with the Police
- Sharing information with other licensing authorities
- Dealing with complaints about drivers and operators
- Training for Members
- The Fit and Proper Test
- Criminal convictions and rehabilitation of offenders
- Safeguarding awareness advice, guidance/ training for drivers
- Language proficiency
- CCTV in licensed vehicles
- Regulation of booking and dispatch staff
- Record keeping
- Changes to DBS frequency

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.”

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.

Moving Forward

WRS officers believe that, in light of the recommendations set out in the Standards, all of the district councils' current hackney carriage and private hire licensing policies will now need to be reviewed carefully with a view to implementing the changes. This review would ultimately lead to the drafting of a new cohesive policy document that brings together each district 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.

Officers see this as an opportunity to harmonise to a significant extent the districts' Taxi & Private Hire licensing policies with the recommendations contained within the Standards document at their heart, whilst continuing to



reflect the differing views that members from the individual authorities may express.

Risks

Failure to have regard to the guidance issued under section 177 would leave the Council at risk of being in breach of its legal duty, although it remains the case that each individual 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 become a focus for legal challenge to an authority's practices, and that any failure to formally have had regard to the Standards without sufficient justification could be detrimental to each authority's legal position. 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.

Members will be aware that licensing is a reserved matter to each Council's Licensing committee so this committee does not have control of policy development in these areas. This report is therefore for noting only, but given that the committee contains a number of executive members from each Council, officers felt it right and proper that members of this Board should be aware of the likely direction of travel that this national development creates for the service and the partners.

What happened in Rotherham, Rochdale and elsewhere; places as close to here as Telford, must not be forgotten and all local authorities must remain vigilant, striving to ensure that young, vulnerable people are not subject to this form of exploitation so they do not suffer the fate of others around the country.

Contact Points

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Background Papers

Department for Transport guidance entitled "Statutory Taxi & Private Hire Vehicle Standards" can be accessed at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

