

Report To:	LICENSING COMMITTEE	Date:	28TH OCTOBER 2020
Heading:	HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY: UPDATED FOLLOWING ISSUE OF STATUTORY GUIDANCE		
Portfolio Holder:	REGULATORY SERVICES		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	NO		

Purpose of Report

In July 2020 the Department for Transport issued new Statutory Guidance on Taxi & Private Hire Vehicle Standards focusing on the role of taxi licensing powers and enhanced regulation in protecting children and vulnerable adults. The guidance sets out core minimum standards that all licensing authorities are expected to meet. In order to further safeguard vulnerable passengers, increase safety for the travelling public in general and comply with the statutory guidance changes to the Hackney Carriage and Private Hire Licensing Policy are proposed.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Approve the proposed updates and amendments to the requirements placed on drivers, vehicle proprietors and operators seeking to hold or who currently hold a licence with the Council;**
- b) Approve the proposed updates and amendments to the Warnings, Offences, Cautions and Convictions Policy (contained within the Hackney Carriage & Private Hire Licensing Policy) in light of the Statutory Guidance recommendations;**
- c) Authorise the Licensing Manager to carry out a consultation on the proposals detailed within this report; and**
- d) Delegate authority to the Chair of the Licensing Committee, in conjunction with the Service Director: Place & Communities, to consider any responses to the consultation and make any relevant changes the Draft Policy to finalise accordingly.**

Reasons for Recommendation(s)

The Council has in place a robust Hackney Carriage & Private Hire Licensing Policy that was introduced on 1st May 2018. Following the findings of various Serious Case Reviews in to incidents

of child sexual exploitation and safeguarding failures linked to taxi licensing nationwide, the Department for Transport has issued Statutory Guidance with the aim of raising and regularising safeguarding standards around the country.

The guidance sets out a framework of policies that the authority must have regard to when developing, implementing and reviewing taxi and private hire vehicle licensing. The Council as a licensing authority is committed to ensuring the safety of passengers and therefore it is proposed that the current policy is reviewed and updated to take account of the recommended standards where they are not already met or exceeded.

Alternative Options Considered

Do nothing: not recommended as the requirement to introduce the provisions of the Statutory Standards is designed to ensure that all Councils carry out their Taxi & Private Hire Licensing functions to the same robust standards. The Council has a legal duty to give full consideration to the standards laid out in the guidance.

Detailed Information

The current Hackney Carriage & Private Hire Licensing Policy came into effect on 1st May 2018 and has proved to be extremely effective in ensuring that those applicants and / or licence holders that do not take seriously the need to safeguard children and vulnerable persons or promote the need for public safety and public confidence in the Trade are adequately dealt with.

However, not all Councils work to the same standards in relation to vetting applicants, monitoring existing licence holders, and taking decisions relating to criminal convictions and motoring convictions, meaning that those who seek to undermine safeguarding and public safety objectives may well obtain a licence from an Authority that has less robust policies and procedures in place.

Members will be all too aware of the high profile cases across the country where children and vulnerable persons have been the subject of abuse, exploitation and trafficking, and the Statutory Taxi & Private Hire Vehicles Standards (attached at **Appendix One**) aim to advance the obligations on Licensing Authorities to adopt and promote robust policies and procedures to safeguard the travelling public.

Owing to the Policy already in place, the additional requirements placed on the Council by the Statutory Standards can be easily implemented, and these requirements are listed below (and highlighted in yellow within the Draft Revised Hackney Carriage & Private Hire Licensing Policy attached at **Appendix Two**):

Drivers: To undertake an Enhanced DBS Check every six months (we currently carry these out annually). We would also check the status of their DVLA Driver Licence at the same time.

To report any arrest, charge, caution, or convictions (whether motoring or criminal) within 48 hours.

Vehicle Licence Applicants / Holders: To provide a Basic DBS Check and it be reviewed annually. To ensure that such a person is not involved in any activity that may undermine the safeguarding and public safety objectives.

Private Hire Operators: To be subject to annual Basic DBS Checks (such a check is currently only required when submitting a new / renewal application).

The Statutory Standards also place new obligations on **Private Hire Operators**, namely:

- To maintain a register of all staff whose work consists of taking bookings and dispatching vehicles, and for such staff to undergo a Basic DBS Check;
- To maintain a Policy relating to the employment of ex-offenders, in order to ensure such persons do not pose a risk to the safety of the public;
- To maintain a Safeguarding Policy that addresses the needs of the protection of children and vulnerable persons; and
- To evidence that any other Operator to whom a booking is sub-contracted also has the necessary comparable Safeguarding protections in place.

It is proposed, in order to embed the above four requirements, that they are implemented as additional conditions attached to a Private Hire Operator Licence, and compliance with these new conditions will be sought when Officers carry out compliance checks of Operator premises.

The Statutory Standards also seek all Councils to adopt the same criteria in relation to how applicants and licence holders are assessed in relation to any criminal convictions and / or motoring convictions.

Our **Warnings, Offences, Cautions and Convictions Policy** (found at Appendix D within the Draft Revised Hackney Carriage & Private Hire Licensing Policy) ensures a robust vetting process and a robust decision making process when assessing applicants and existing licence holders, and whilst the Statutory Standards do not require a radical overhaul of how we assess such criminal and / or motoring matters, it does enhance what is already in place, and provides a strong platform from which to defend any appeal made by any person who is refused a licence, or has his / her licence suspended or revoked.

By amending our own Policy to be identical to the Statutory Standards, this Council can continue to carry out its Taxi & Private Hire Licensing function safe in the knowledge that the standards that we expect applicants and licence holders to meet are the “gold standard”.

The most significant amendments to the **Warnings, Offences, Cautions and Convictions Policy** (which have led to an increase in the time spent before an application should be considered for the offences listed below) relate to:

- **Exploitation:** where the expectation is that applicants with such convictions are refused a licence;
- **Violence:** where the expectation is that at least 10 years have elapsed since the completion of any sentence imposed;
- **Possession of a weapon:** where the expectation is that at least 7 years have elapsed since the date that any sentence was completed;
- **Dishonesty:** that at least 7 years have elapsed since the completion of any sentence served;
- **Discrimination:** that at least 7 years have elapsed since the completion of any sentence served;
- **Driving whilst under the influence of drink and / or drugs:** that at least 7 years have elapsed since the restoration of the DVLA Driver Licence;
- **Driving whilst using a hand-held mobile telephone or hand-held device:** that at least 5 years to have elapsed since conviction and / or restoration of the DVLA Driver Licence; and
- **Plying for Hire:** a Driver is expected to be 3 years free of conviction, and that any Operator guilty of aiding and abetting such illegal actions should expect to have his / her licence immediately revoked, and prevented from holding an Operator Licence for 3 years.

Such updates and amendments to the Hackney Carriage & Private Hire Licensing Policy will require public consultation (which will be hosted online at www.ashfield.gov.uk/taxilicensing) and a Newsletter will be sent to all drivers, vehicle proprietors and operators, and the results of the

consultation and any responses received will be put to the Chair of the Licensing Committee, in conjunction with the Service Director: Place & Communities, to consider, and to make any relevant changes the Draft Policy to finalise accordingly.

However, as stated within the Statutory Standards: *“ There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**”*

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Legal:

Any legal implications are already covered within this report.

Finance:

The additional cost of administering the Taxi & Private Hire licensing function will be circa £15k per annum, however, the service operates on the basis of full cost recovery.

This report is effective from **28th October 2020** and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	£15,000
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

There are no direct HR implications contained within this report.

Environmental/Sustainability

There are no environmental or sustainability implications contained within this report.

Equalities:

There are no diversity or equality implications contained within this report.

Other Implications:

None

Reason(s) for Urgency

The Statutory Standards were issued to Councils in late July 2020, and the Council is keen to ensure that it promotes the aims of these Standards, in order to advance the safeguarding of children and vulnerable persons throughout the locality, and to further enhance public confidence in the local Taxi & Private Hire Trade.

Reason(s) for Exemption

Not applicable

Background Papers

Appendix One: Department for Transport: Statutory Taxi & Private Hire Vehicle Standards

Appendix Two: Draft Revised Hackney Carriage & Private Hire Licensing Policy

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