

TEIGNBRIDGE DISTRICT COUNCIL

Licensing and Regulatory Committee

6 January 2021

PART I

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| Report Title | HACKNEY CARRIAGE AND PRIVATE HIRE POLICY – THE STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS |
| Purpose of Report | To seek approval for the Hackney Carriage and Private Hire Policy to be amended, to meet the Department of Transport statutory standards. All authorities are expected to provide an update by 31 January 2021 in developing the standards. |
| Recommendation(s) | The Committee RESOLVES to: Approve the changes to the Hackney Carriage and Private Hire Policy to meet the statutory standards. |
| Financial Implications | Licensing is self-financed by the licensed fees. |
| Legal Implications | Mrs Marie Downey, Solicitor, (Generalist) Email: marie.downey@teignbridge.gov.uk |
| Risk Assessment | The Licensing Authority has a statutory duty to ensure that reasonable steps are in place to carry out checks on new applicants and current drivers to enable them to determine if they are fit and proper to hold a hackney carriage and/or private hire drivers' licence. The paramount objective is to ensure public safety. Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk |
| Report Author | Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk |
| Portfolio Holder | Alistair Dewhirst Executive member for Waste Management & Environmental Health |
| Appendices / Background Papers | A: Summary of Statutory Standards document B: Statutory Taxi and Private Hire Vehicle Standards |

1. INTRODUCTION / BACKGROUND

- 1.1 The Secretary of State for Transport has issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020 which are aimed at safeguarding children and vulnerable adults. The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.
- 1.2 The Department for Transport stated that it will monitor licensing authorities' responses to the Statutory Standards. The Department is aware of the challenges caused by the current coronavirus pandemic and is mindful of this although The Secretary of State is asking all licensing authorities to provide an update to the Department of their consideration of the Standards six months after their publication, so by the end of January 2021. Therefore it expects these recommendations to be implemented unless there is a compelling local reason for not doing so.
- 1.3 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. It has been declared that in the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and the policies and to outline delivery plans that stem from these. The update will enable government bodies to engage with those authorities that do not adopt the Standards and to seek from them a rationale for failing to act to protect passengers.
- 1.4 The Statutory Standards are seen nationally an important first step in reforming the way the taxi and private hire vehicle sector is regulated and the should ensure consistent standards between licensing authorities. The Department for Transport fully expects licensing authorities to implement these measures as soon as possible and it is for that reason this initial briefing is provided to this committee to allow a timeline to take this forward.
- 1.5 The Government will later this year consult on revised best practice guidance that will reflect the enormous changes that the industry has undergone in recent years and make clear recommendations on the measures licensing authorities should consider to enable the trade to react to the demands of passengers.

2. INTERIM ASSESSMENT

- 2.1 The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework policies that, under section 177(4), licensing authorities must have regard to when exercising their functions. Officers have had the opportunity to complete an interim assessment of the Statutory Standards despite the short period of time since being received and a summary of the full document is provided in **Appendix A**.

- 2.2 The assessment outlines measures and steps that have already been taken by this licensing authority that are relevant to the proposed Standards. This authority adopted its existing taxi and private hire policy in 2009 with an amendment that took place in 2015 and again in April 2019. It is currently being rewritten to go out to full consultation in 2021. All Statutory Standards have been considered, however, these need to be incorporated into the current taxi and private hire policy.
- 2.3 There are a number of key points in the Statutory Standards for all licensing authorities to address with a number that require further examination and review by this authority in the months ahead. To assist members today, Appendix A lists key headings raised as the Statutory Standards with a commentary added for each. A brief summary has been included with regard to the present situation for this licensing authority that will require review in the months ahead.
- 2.4 To summarise the points in Appendix A that require further consideration by this authority are:
- a) Signing up to a national licensing database to share information on revoked or refused licence referred to as the 'NR3 Database',
 - b) Driver criminality checks will require DBS checking every six months being far more frequent than currently with an impact on officers and licence holders,
 - c) Safeguarding Awareness session for licence holders; the Covid-19 situation now requires new procedures for remote, virtual sessions currently being explored by all Devon authorities,
 - d) DBS checking and increased frequencies for private hire despatch staff,
 - e) CCTV and audio recording assessment and whether it is necessary in this district. This will be included in the review of the policy but prohibitive costs for licence holders needs to be assessed against a specific need for mandating all vehicles, and
 - f) Joint enforcement powers for officers with/from other districts and cities. This has been discussed and may be more appropriate on the basis of when a need arises, will be progressed by the Devon Licensing Officer Group (under point 19).
- 2.5 The committee is therefore asked from this point forward to have regard to the Statutory Taxi and Private Hire Vehicle Standards.
- 2.6 It is proposed that officers will develop the proposals and actions required under Appendix A. That course of action will meet the requirements under point 1.2 of this report to allow the necessary update to be provided to the Department of Transport on this authority's plans by 31 January 2021.

3. CONCLUSION

That Committee approve the changes requested to the Hackney Carriage and Private Hire Policy, which do not require to go out to consultation or require further review, to allow this authority to meet the statutory standards.