



## LICENSING COMMITTEE

Monday 25 January 2021

### DEPARTMENT FOR TRANSPORT STATUTORY TAXI & PRIVATE HIRE VEHICLE STANDARDS

#### EXECUTIVE SUMMARY

To inform the Committee of the Departments for Transports (DfT) new 'Statutory Taxi and Private Hire Vehicle Standards' and seek approval for a full review of current policy and procedure to determine the necessary amendments required by the new standards.

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor Mary Rudd – Cabinet Member for Community Health
Supporting Officer:	Chris Bing Legal and Licensing Services Manager 01394 444408 chris.bing@eastsuffolk.gov.uk

## 1 INTRODUCTION

- 1.1 The Council is responsible for licensing hackney carriage and private hire drivers and vehicles, and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 1.2 On 21 July 2020, the DfT published 'Statutory Taxi and Private Hire Vehicle Standards'. The Standards are applied to local authorities having regard to the Policing and Crime Act 2017 which enables the Secretary of State for Transport to issue statutory guidance to local authorities as to how taxi (hackney carriage) and private hire licensing should be undertaken to protect children and vulnerable adults when using taxis and private hire vehicles.
- 1.3 A copy of the DfT standards are attached at Appendix A. The Council will need to review its taxi licensing policies, standards and guidance so that they meet the standards outlined in the DfT document but should ensure any standards adopted must be appropriate for East Suffolk Council's local needs. The Council will need to be transparent in explaining the reasons for the standards it adopts.

## 2 BACKGROUND AND INFORMATION

- 2.1 The standards recommend that local authorities provide a "taxi licensing policy", a single point of reference which includes all information relevant to private hire and taxi licensing. East Suffolk Council currently has a taxi licensing guidance document containing several policies and procedures and therefore a single policy document will need to be created.
- 2.2 A review of the authority's licensing policies and procedures will be undertaken to align the new policy with the statutory guidance. However, much of what is proposed in the guidance has already been adopted by East Suffolk Council.
- 2.3 To make the statutory guidance most effective, the Suffolk Licensing Officer's Group (SLOG) is working on adopting a common licensing approach based on the statutory guidance. This will ensure that there is a basic and common approach to safeguarding throughout the county. Individual authorities will retain the discretion to set their own policies to ensure that local standards are not lost.
- 2.4 A review of the Hackney Carriage and Private Hire licensing policies and procedures will require Member input and oversight. Initial work by officers will align the licensing policy with the statutory guidance and Members will be engaged prior to any formal consultation on policy changes.
- 2.5 This report provides a summary of the DfT document, full details are in the document attached at **Appendix A**. The intention of this report is to introduce the document to the Committee.

## 3 OVERVIEW OF STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

- 3.2 The Standards cover a wide range of issues, including driver, vehicle, and operator standards. The main areas of the statutory standards cover the following;
- 3.3 Licensing Policies - Local authorities should provide a 'taxi licensing policy', a single point of reference which includes all information relevant to private hire and taxi licensing.

East Suffolk Council currently has a taxi licensing guidance document containing several policies and procedures.

- 3.4 Following production of a Taxi Licensing Policy, the Council would be expected to review existing licences against the content and standard of the new policy. It is also advocated that the Council's Taxi Licensing Policy should be reviewed every 5 years or sooner if appropriate.
- 3.5 Duration of licences - Issuing driver licences for more than a year. Risk can be mitigated for drivers by authorities undertaking regular interim checks (e.g. regular Disclosure and Barring Service checks). The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire operators.
- 3.6 Whistleblowing - Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. Licensing Authorities should have effective internal procedures in place for staff to raise concerns and for them to be dealt with openly and fairly.
- 3.7 Criminal records checks - Licensing Authorities should insist on licensed drivers signing up to the Disclosure and Barring Service's (DBS) On-Line Update Service. This allows the Licensing Authority to make checks at any time and at least every six months.
- 3.8 Common Law Police Disclosures - Licensing Authorities should maintain close links with the police to ensure effective and efficient information-sharing procedures and protocols are in place and are being used (previously the Notifiable Occupation Scheme).
- 3.9 Licensee self-reporting - Licence holders should be required to notify the issuing authority within 48 hours (currently drivers have to report within 72 hours) of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of any of the offences within this scope should result in a review of their licence.
- 3.10 Referrals to the DBS - A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.
- 3.11 Sharing licensing information with other Licensing Authorities - An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other Licensing Authority (already requested as part of the application procedure). The National Anti-Fraud Network have developed a national register of taxi and private hire vehicle driver licence refusals and revocations (known as NR 3). Tools such as NR 3 should be used by Licensing Authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.
- 3.12 Overseas convictions - Licensing Authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process.
- 3.13 Vehicle proprietors - Licensing Authorities should require a basic disclosure from the DBS and that a check is undertaken annually.
- 3.14 Multi-Agency Safeguarding Hub (MASH) - All Licensing Authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and

relevant information between stakeholders). Obstacles in sharing information can be a barrier to effective safeguarding.

- 3.15 Criminal convictions and rehabilitation - Annexed to the statutory guidance document is the Department's recommendations on the assessment of previous convictions. This is largely based on the Institute of Licensing's Guide.
- 3.16 Safeguarding awareness training – All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.
- 3.17 Language proficiency - All licence holders to demonstrate proficiency in English language. All drivers should be able to converse with passengers to understand destination, estimates of time along with other common passenger requests. A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation.
- 3.18 Joint authorisation of enforcement officers - Licensing Authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.
- 3.19 Stretched Limousines - Consideration should be given to their licensing.

#### **4 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?**

- 4.1 Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities. Hackney carriage and private hire vehicles are a key part of the public transport system, enabling people without their own private transport or without easy access to other means of public transport to travel for education, employment, and entertainment, to shop and to attend medical appointments or deliver/receive care.

#### **5 CONSULTATION**

- 5.1 Members will be engaged prior to any formal consultation on policy changes.

#### **6 REASON FOR RECOMMENDATION**

- 6.1 The report introduces the DfT recently published Statutory Taxi and Private Hire Standards. The Council will need to review licensing procedures to ensure compliance with the standards.

#### **RECOMMENDATION**

That the Committee, having noted the report including Appendix A - the DfT 'Statutory Taxi and Private Hire Vehicle Standards', approves a full review of current policy and procedure to determine the necessary amendments required by the new standards.

#### **APPENDICES**

##### **Appendix A**

Statutory Taxi and Private Hire Vehicle Standards

Please note that copies of background papers have not been published on the Council's website [www.eastsuffolk.gov.uk](http://www.eastsuffolk.gov.uk) but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	None	