



## LICENSING COMMITTEE

Monday, 19 July 2021

<b>Subject</b>	<b>DEPARTMENT FOR TRANSPORT STATUTORY TAXI &amp; PRIVATE HIRE VEHICLE STANDARDS AND REVIEW OF EXISTING POLICY</b>
<b>Report by</b>	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
<b>Supporting Officer</b>	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 <a href="mailto:Martin.clarke@eastsoffolk.gov.uk">Martin.clarke@eastsoffolk.gov.uk</a>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable.
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

### **Purpose of Report:**

To report to Licensing Committee the outcome of the recent consultation exercise on the proposals required to meet the Department for Transport's (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' and the proposed changes required following a review of existing policy and guidance documents, and to agree future arrangements.

### **Consultation documents attached as Appendices A, B and C**

### **Options:**

Taking into account the responses to the consultation:

- 1) approve the actions and proposals in respect of the DfT Statutory Taxi and Private Hire Vehicle Standards, and the existing policy and guidance documents
- 2) not approve the actions and proposals in respect of the DfT Statutory Taxi and Private Hire Vehicle Standards, and the existing policy and guidance documents.
- 3) make CCTV mandatory in all licensed vehicles
- 4) do not make CCTV mandatory in all licensed vehicles and leave the current policy in place where licensed drivers can choose whether or not to have CCTV in their licensed vehicles.

### **Recommendation/s:**

That the Committee:

- 1) agrees to implement the actions and proposals in respect of the DfT Statutory Taxi and Private Hire Vehicle Standards, and the existing policy and guidance documents.
- 2) agrees to continue with the current policy for CCTV where it is optional for drivers and vehicle proprietors to have CCTV in their licensed vehicles.

## Corporate Impact Assessment

### **Governance:**

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

### **ESC policies and strategies that directly apply to the proposal:**

Taxi and private hire licensing policy

Safeguarding policy

Criminal convictions policy

<b>Environmental:</b> No impact
<b>Equalities and Diversity:</b> No impact
<b>Financial:</b> Some of the national standards, such as the purchase and installation of CCTV in all vehicles, would require significant expenditure by vehicle owners. The safety of the travelling public and drivers must always be prioritised but the imposition of standards to address the identified risk should be proportionate to the level and nature of the identified risk and the costs which would be incurred in complying with the standard is a relevant consideration here.
<b>Human Resources:</b> No impact
<b>ICT:</b> No impact
<b>Legal:</b> No impact
<b>Risk:</b> The licensing authority needs appropriate standards and conditions for taxi and private hire drivers and vehicles to protect the public and drivers.

<b>External Consultees:</b>	All licensed drivers, vehicle proprietors and operators within East Suffolk, all town and parish councils, Suffolk Constabulary Licensing Team, Suffolk County Council Passenger Transport Team and Citizens Advice Bureau were consulted and given the opportunity to comment on the options committee is considering. The consultation was also available to members of the public via the Council's website. 19 written responses were received during the consultation period (Appendix D).
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>

P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

**How does this proposal support the priorities selected?**

Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities. The proposals in this report seek to review and, where appropriate, raise the standards to which hackney carriage and private hire vehicles are subject. 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.

## Background and Justification for Recommendation

### 1 Background facts

1.1 On 19 April 2021, the Licensing Committee resolved to consult with hackney carriage and private hire trade, members of the public and relevant organisations

	on the Department for Transport's (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' and the proposed changes required following a review of existing policy and guidance documents.
1.2	The consultation exercise ran between 10 May 2021 and 20 June 2021. 19 consultation responses were received during that period.

## 2 Current position

2.1	A review of the authority's licensing policies and procedures has been undertaken to give consideration to the DfT Statutory Taxi and Private Hire Vehicle Standards. Much of what is proposed in the guidance had already been adopted by East Suffolk Council.
2.2	Consultation resulted in 19 responses being received and these are attached at <b>Appendix D</b> .
2.3	East Suffolk currently has a number of policies and guidance and it is proposed to bring these together into one policy document.
2.4	<p><b>Licensing Services response to queries raised during the consultation:</b></p> <p>a) Licensed Private Car Association –  <b>The second point we wish to raise is Criminality Checks for Vehicle Proprietors and in this regard we are simply seeking clarity of who is in scope. We acknowledge your helpful Note that 'This relates to licensed vehicle proprietors who are not a licensed driver'. Whilst we acknowledge this is helpful as it clears up the non-requirement for drivers, what it does not clarify however is who is in scope. Would you therefore be kind enough to outline whom is in scope please?</b></p> <p>With regard to your query about vehicle proprietors, this would be anyone who doesn't hold a private hire/hackney carriage driver licence but wants to licence just a vehicle. The DfT has stated:</p> <p><i>As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.</i></p> <p>We agree with this statement and would want to ensure that a vehicle proprietor, who is not already a licensed driver, has undergone the appropriate criminality checks.</p>

b) Mr M Hind –

**ESC makes a determination of those persons suitable to have a licence and this determination includes sight of a DBS check. Why introduce further administration for an operator which is a repeat of the Council's actions?**

Para.8.9 – This would not be a duplication where an Operator employs a member of staff purely for booking and dispatch. We understand that some members of staff employed in this role will also hold a private hire and/or a hackney carriage drivers licence and they will, of course, already hold a current DBS certificate. This does not take away the fact that an Operator should still be carrying out these checks on his/her staff. The DfT guidance states (with regard to booking and dispatch staff):

*The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.*

And,

*As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.*

**For small companies/operators who do not employ drivers (but utilise self-employed drivers), the unwritten policy is to only utilise licensed drivers i.e. those deemed suitable by the Council. Do not agree with this proposed change for this America reasons/logic as highlighted under para 8.9.**

Para.8.12 – again the DfT are aiming to ensure that all staff are suitable for the role for which the Operator has employed them for. As mentioned above, someone employed to book and dispatch a vehicle may not be suitable, depending on their conviction, to decide who is sent to carry a child or vulnerable adult unaccompanied in a car. A policy will indicate what approach is taken when determining if someone is suitable.

**If the operator passes the job to another operator, is the original operator required to obtain all the listed information or is sufficient to simply record that it has been passed to another company?**

Para.8.13 – It is already a requirement under section 56 of the Local Government (Miscellaneous Provisions) Act 1976 for the Operator to keep such records when he invites or accepts the booking, even if he then passes

	<p>that booking to another Operator. All we are proposing is to add the 4 additional records that DfT has suggested, and we don't currently require under our Operators licence.</p> <p>c) Mr Mark Bloom and Mr David Arnold –  <b>Has anyone asked what the public want regarding CCTV?</b>  <b>Is there an over reaction to having CCTV because of some bad areas in other parts of the country?</b>  <b>Is this just another lip service consultation, where the authorities have already decided what they are going to do?</b></p> <p>Government (DfT) has not made CCTV a mandatory requirement and East Suffolk Council has no set criteria either way. As you will have seen, the DfT has asked all Licensing Authorities to consult on the matter and that is what we are doing. However, if the consultation responses show overwhelmingly that CCTV in licensed vehicles is preferred than this is something the Licensing Committee will have to consider when considering all other responses to the consultation. In East Suffolk there is no current evidence of a prevalence of crimes being committed within taxis and private hire vehicles licensed and the Authority is very much aware of the cost of a high standard and robust CCTV system. The current procedure of voluntary installation of CCTV appears to be working well and gives drivers/operators the choice of whether or not to install a CCTV system. The taxi and private hire trade provide a valuable service and the security for both drivers and passengers is of paramount importance to this Authority. CCTV can be a valuable tool when investigating incidents. All responses, for both sides of the matter, will be considered by the Licensing Committee.</p> <p>The consultation is a public consultation and any member of the public, or group, is entitled to submit their thoughts.</p>
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3 How to address current situation	
3.1	A summary of the consultation responses together with copies of the full 19 responses received are at <b>Appendix D</b> of the report. Addresses, contact details and consultees' signatures have been redacted from the responses pursuant to Data Protection Act 2018/GDPR requirements.
3.2	Of the 19 consultation responses received, 13 stated that they thought CCTV was not necessary and/or should not be made mandatory.
3.4	The committee is asked to consider the consultation responses.

4 Reason/s for recommendation	
4.1	It is important to maintain high standards in the district for hackney carriage and private hire vehicles to protect the travelling public and drivers.
4.2	There is no current evidence of a prevalence of crimes being committed within taxis and private hire vehicles licensed within East Suffolk.

## Appendices

**Appendices:**

<b>Appendix A</b>	Assessment of the Statutory Taxi and Private Hire Vehicle Standards
<b>Appendix B</b>	Updates to Criminal Convictions Policy
<b>Appendix C</b>	Updates to existing taxi and private hire licensing policies and guidance
<b>Appendix D</b>	Consultation responses

**Background reference papers:**

<b>Date</b>	<b>Type</b>	<b>Available From</b>
19 April 2021	Licensing Committee report – Department for Transport Taxi & Private Hire Vehicle Standards	<a href="#">CMIS &gt; Meetings</a>