



PART A: MATTERS DEALT WITH UNDER DELEGATED POWERS

REPORT TO: LICENSING COMMITTEE

DATE: 13 APRIL 2021

**REPORT OF THE: HEAD OF PLANNING AND REGULATORY SERVICES
GARY HOUSDEN**

TITLE OF REPORT: REVIEW OF TAXI AND PRIVATE HIRE POLICY

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To seek Members approval to formally consult on a revised draft of the Council's Taxi and Private Hire Policy ('Policy') following the introduction of the Government's new Statutory Taxi & Private Hire Vehicle Standards ('Standards') attached at Appendix A. A summary of the changes to the existing Policy is included below and a copy of the revised draft Policy is attached at Appendix B.

2.0 RECOMMENDATION(S)

2.1 It is recommended that

- (i) Members consider and agree to adopt the new Standards introduced by Government in July 2020.
- (ii) Members approve the draft revised Policy for consultation and the next steps as outlined at paragraph 8.1.

3.0 REASON FOR RECOMMENDATION(S)

3.1 It is a requirement that Councils regularly review and update policies to reflect changes in legislation, local circumstances and relevant safeguarding issues. Following the introduction of the new Standards a comprehensive review of the Policy has now taken place resulting in a number of key changes and other minor amendments.

4.0 SIGNIFICANT RISKS

4.1 A failure to review and update the Policy may compromise the safety and effectiveness of taxi and private hire services.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Given the extensive role taxi and private hire services play in local transport provision; this report supports all four of the Council's Corporate Priorities as outlined in the Council Plan 2020 – 2024. The Council's Corporate Enforcement Policy and Safeguarding Policies have also been considered as part of this review.
- 5.2 A consultation period of 12 weeks is proposed, commencing 1st May 2021 until the 24th July 2021 to allow interested parties to feedback on the proposals. It should however be noted that there is a clear expectation from Government for local authorities to implement the Standards in full unless there are compelling local reasons not to do so.
- 5.3 It is proposed to consult with the following:
- Taxi and Private Hire Drivers
 - Operators of Taxis and Private Hire Vehicles
 - Residents of Ryedale via the Council's website
 - North Yorkshire Police
 - Neighbouring local authorities
 - Other interested/affected stakeholders such as Whitby, Scarborough and Ryedale Disability Action Group and the local multi-agency safeguarding team.

REPORT

6.0 REPORT DETAILS

- 6.1 In accordance with the Policing and Crime Act 2017, the Department for Transport published new standards for taxi and private hire vehicles in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. Councils must have regard to these new Standards and it is expected that they will be adopted unless there is compelling local reason not to. This report has also been prepared in respect of the Secretary of State's expectation that licensing authorities publish their response to the Standards, with details of the policies and plans to deliver the recommended measures.
- 6.2 The publication of the Standards has proved timely and coincides with the review of the Council's Taxi and Private Hire Policy. The Council's current policy, implemented in 2017, compares well to the new Standards such that only a few changes are necessary to align with the expectations of Government.
- 6.3 The proposed amendments to the current policy are outlined below. Included in bold are the relevant sections of the Standards requiring changes to the Policy, followed by the relevant sections of the revised draft Policy where the changes have been made:
- a) **DFT Standards Paras 3.12-3.12 - Consultation**
RDC Policy Paras 1.3, 1.14 & 1.15
- Proposed change – To confirm that the Standards have been considered in the formulation of the Policy which will be subject to a minimum 5 yearly review. It is acknowledged that more regular reviews may still take place where considered necessary.

**b) DFT Standards 4.1-4.4 – Disclosure and Barring (DBS) Checks for drivers
RDC Policy Paras Appendix A, para 3**

Proposed change – To increase the frequency of DBS checks in respect of licensed drivers from 3 yearly to 6 monthly. This will be achieved via the use of the DBS update service which all drivers are required to subscribe to. This represents no additional cost to the licence holder unless changes to their criminal record are indicated, at which point they will be required to undertake a new DBS check.

**c) DFT Standards 6.14-6.15 – English language proficiency
RDC Policy Paras Appendix A, para 13**

Proposed change – To include as part of the application criteria that all drivers must have proficient English oral and written language skills, and that additional evidence of competency may be required where deemed necessary.

**d) DFT Standards 7.7-7.13 – In-vehicle visual and audio recording (CCTV)
RDC Policy Paras Appendix J, para 2**

Proposed change – To confirm that based on the low level of reported incidents within licensed vehicles, the Council does not consider the mandatory installation of CCTV in vehicles to be proportionate at this time. Factors such as cost, data responsibilities and privacy have also been considered in forming this view. In line with the Standards, regular reviews will take place to identify any local circumstances which may indicate that CCTV would have either a positive or an adverse net effect on the safety of taxi and private hire users. Full consultation with stakeholders would take place as part of such a review.

**e) DFT Standards 7.16–7.6 – DBS checks for vehicle proprietors
RDC Policy Paras 3.5 & 3.6**

Proposed change – To require a Basic DBS disclosure from the proprietor of a licensed vehicle where they are not already a licensed driver with RDC.

**f) DFT Standards 8.8-8.9 – DBS checks for staff who book or dispatch vehicles
RDC Policy Paras Appendix C, para 26**

Proposed change – Include a requirement that Operators ensure staff who book or dispatch vehicles obtain a basic DBS check, and that a register of such staff who have had a check done together with the date of the check is maintained. This requirement will not apply to staff who are already a licensed driver with RDC.

**g) DFT Standards 8.13 – Information to be recorded by Operators
RDC Policy Paras Appendix C, para 24**

Proposed change – Include a requirement that Operators record the name of any individual that responds to a booking request, and the name of any individual that despatches a vehicle.

**h) DFT Standards 8.16-8.17 – Use of Passenger Carrying Vehicles (PCVs)
RDC Policy Paras Appendix C, para 12**

Proposed change – Require Operators to notify the person making a booking that

they will be utilising a PCV or PCV driver and obtain their consent prior to despatching the vehicle. This situation may arise where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required. Given that PCV licenced vehicles and drivers are subject to different checks (via the Driver and Vehicle Standards Agency), it is important that the individual making the booking is made aware of this fact and given the choice to book with a different operator should they choose.

**i) DFT Standards – Assessment of Previous Convictions
RDC Policy Appendix D**

Proposed changes:

- Include a new section within Appendix D of the Policy confirming that applicants and licence holders with conviction(s) relating to exploitation shall normally be refused a licence.
- Where a conviction or caution relates to possession of a weapon, the period an applicant is expected to have remained free of conviction or caution be increased to 7 years.
- To add that applicants who are on any barred list shall be refused a licence.
- Where a conviction or caution relates to dishonesty, the period an applicant is expected to have remained free of conviction or caution be increased to 7 years.
- To add that where an applicant has any conviction connected with the supply of drugs, that a licence shall not normally be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has any conviction connected with the possession of drugs, the period of time after a licence may be granted be extended to 5 years.
- Include a new section within Appendix D of the Policy confirming that applicants and licence holders with conviction(s) relating to discrimination shall be expected to have remained free of conviction or caution for 7 years.
- To include that an applicant with a conviction for driving a vehicle under the influence of drugs or alcohol shall not normally be granted a licence until 7 years has passed since the completion of sentence or driving ban imposed.
- To include that an applicant with a conviction for using a hand-held mobile telephone or a hand-held device whilst driving shall not normally be granted a licence until 5 years has passed since the completion of sentence or driving ban imposed.

j) Other amendments

In addition to minor layout and formatting changes, the following amendments are proposed:

- Proposed change – Remove Para 2.4 in relation to applications for Dual Driver Licences from outside the area. This measure was introduced to deter individuals from applying for a driver licence with RDC when they had no intention of operating within the district (a hackney carriage for example may undertake pre-booked work anywhere within the country). This issue is not currently prevalent within Ryedale, and although an intended use Policy is considered good practice in respect of hackney carriage vehicles, a similar policy in respect of drivers could be open to challenge.
- Proposed change – Amend Para 3.4 to state ‘MOT test certificates will be

accepted from any approved testing centre. Vehicle licence compliance checks may only be carried out at the LA's appointed testing station(s)'.

Options

- 6.4 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards, and are expected to adopt them unless there are compelling local reasons not to. While there is clear concern for the trade under the current circumstances of the Covid-19 pandemic, the paramount consideration in taxi and private hire licensing is passenger safety and on this basis it is not considered appropriate to delay the implementation of the new standards.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

The additional costs involved in drafting the revised Policy have been met from existing budgets. There may be minor future cost implications to the Council from new policy requirements, however any additional costs incurred or savings made will be reflected in future adjustments to fee levels. The Council is legally obliged to ensure licence fee levels are set on a cost recovery basis.

b) Legal

There is no statutory requirement to have a taxi and private hire licensing policy, but having such a policy is considered to be good practice, and assists with consistent decision making. The Council has the power under the Town and Police Clauses Act 1847, Transport Act 1985, and the Local Government (Miscellaneous Provisions) Act 1976, to implement a licensing policy to specify the requirements that vehicles and drivers must meet in order to be licenced, and attach such conditions to licences as are considered to be necessary.

In July 2020 the DFT published its Statutory Taxi and Private Hire Vehicles Standards, pursuant to the power to issue guidance under s177 Crime and Police Act 2017. This sets out a framework of policy for the protection of children and vulnerable adults to which licensing authorities must have regard under s177(4).

c) Climate Change

In support of the Council's Climate Change agenda the introduction of minimum vehicle emission standards for licensed vehicles was considered as part of this review. However, given the significant financial impact the Covid-19 pandemic has had on the taxi and private hire sector, it is not considered appropriate to implement changes which are likely to result in significant additional costs for the licensed trade during this difficult time. Measures to encourage the use of low emission vehicles are to be re-visited once the economy and sector has recovered.

Equalities

- d) An Equalities Impact Assessment has been completed as part of the Policy Review.

Others

- e) Other implications (Staffing, Planning, Health & Safety, Environmental, Crime & Disorder, Data Privacy) have been considered and do not apply.

8.0 NEXT STEPS

8.1 If approval is given to consult on the proposed draft Policy the following timetable is suggested:

- a) Start of consultation of the draft policy – 1 May 2021
- b) End of consultation period – 24 July 2021
- c) Following the end of consultation a further report will be submitted to the Licensing Committee in August/September which will include all comments received during the consultation together with the reasons for their inclusion (or not) in the revised Policy.
- d) Provided the revised Policy is approved, the Licensing Committee will be requested to formally adopt the revised Taxi and Private Hire Policy.

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Background Papers:

Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847
Statutory Taxi & Private Hire Vehicle Standards

Background Papers are available for inspection at:

<https://www.legislation.gov.uk/ukpga/1976/57>

<https://www.legislation.gov.uk/ukpga/Vict/10-11/89>

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>